

U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, D.C.

IN THE MATTER OF

TALAT TAHAIRA

FAA DOCKET NO. CP09NM0006
(Civil Penalty Action)

DMS No. FAA-2009-0273

Wednesday
May 27, 2009

Courtroom 18-206 B
U.S. District Court
Western District of Washington
700 Stewart Street
Seattle, Washington 98101

The above-entitled matter came on for
hearing, pursuant to notice, at 9:00 a.m.

BEFORE:

THE HONORABLE RICHARD GOODWIN
Administrative Law Judge

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C O N T E N T S

WITNESS DIRECT CROSS REDIRECT RECROSS

James Byron 27 68 103 105

Michael Burke 113 122

Laura Clampitt 146 158

Leah Stevens 184 229

EXHIBITS MARKED RECEIVED

Complainant's:

No. 1 31 34

No. 2 33 34

No. 3 34 37

No. 4 37 38

No. 5 39 42

No. 6 43 50

No. 7 52 53

No. 8 53 55

No. 9 56 58

No. 10 187 187

No. 11 195 195

No. 12 213 213

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P R O C E E D I N G S

(9:30 a.m.)

JUDGE GOODWIN: This is a hearing in the matter of Talat Tahaira, T-a-h-a-i-r-a, FAA Docket No. 2009-0273. It's now 9:30 on May 27th. We're in Seattle, Washington, pursuant to the hearing notice issued several months ago.

Counsel, is this--let's go off the record for a minute.

[Whereupon, the above-entitled matter went off the record at 9:31 a.m. and resumed at 9:32 a.m.]

JUDGE GOODWIN: This is for the benefit of both counsel. We've got a translator. If counsel will coordinate with the translator on her utilization. I'd like her to sit near your client, unless and until your client takes the stand.

A couple preliminary things that I have done in other cases. FAA counsel is aware that everything that we do goes on the

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1 Internet. As a result, I would ask both
2 counsel to redact any personal information
3 from any witness or any party to the case,
4 telephone numbers, home addresses, and I've
5 got a black permanent magic marker, if you
6 didn't bring one.

7 The reason is all the exhibits
8 will go on the Internet and in today's
9 society, I don't think the world needs to know
10 what the Respondent's phone number is, or one
11 of the witness'. I know we all do preliminary
12 questions, and, you know, rather than getting
13 into street addresses, to ask the town that
14 they're in, for witnesses who are employed,
15 just have them give their business address.

16 And I've also instructed the court
17 reporter, as we go through the hearing, if
18 there's anything she doesn't understand, to
19 raise her hand, we'll stop and we'll do spell-
20 check immediately. Okay.

21 And as I told counsel for the FAA,
22 I don't care how exhibits are marked as long

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1 as you don't use the same marks for the
2 respective exhibits.

3 So with those preliminary matters,
4 we'll go off the record and reconvene at 10:00
5 o'clock.

6 [Whereupon, the above-entitled
7 matter went off the record at 9:35 a.m. and
8 resumed at 10:05 a.m.]

9 JUDGE GOODWIN: Let's go on the
10 record.

11 This is the case of--and forgive
12 me if I mispronounce the last name--Ms.
13 Tahaira--FAA Docket No. EMS 2009-0273.

14 Counsel, would you please identify
15 yourself for the record.

16 MR. HILDES: Lawrence Hildes,
17 appearing for Respondent, Tilot Tahaira, who
18 is present in the courtroom.

19 JUDGE GOODWIN: Would you spell
20 your last name, please, counsel.

21 MR. HILDES: Certainly, Your
22 Honor. H-i-l-d-e-s.

1 MS. HUBER: Your Honor, I'm Karen
2 Huber. I'm the attorney for the Federal
3 Aviation Administration, Complainant.

4 JUDGE GOODWIN: And spell your
5 last name, please.

6 MS. HUBER: H-u-b-e-r.

7 JUDGE GOODWIN: Are we ready to
8 proceed, then, Ms. Huber?

9 MS. HUBER: Yes, sir.

10 JUDGE GOODWIN: Call your first
11 witness.

12 MR. HILDES: Your Honor, I'm going
13 to note for the record, that we subpoenaed a
14 witness under Your Honor's signature, and the
15 witness is not present and has not appeared.

16 JUDGE GOODWIN: I deliberately
17 wrote the subpoena for 10:00 o'clock today and
18 tomorrow. If the person appears, what I'm
19 going to ask counsel to do is break at that
20 point. We'll take her testimony so as not to
21 inconvenience her and then we'll proceed. But
22 I've got the courtroom today and tomorrow. So

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1 whenever she appears, we'll do that, and if
2 she doesn't appear, then we'll address that
3 issue when we get to that point.

4 MR. HILDES: Very good. Thank
5 you, Your Honor.

6 JUDGE GOODWIN: And what I'm
7 probably going to do, Mr. Hildes, is allow
8 your client to remain there, unless Ms. Huber
9 has an objection. If she testifies, let her
10 testify from there. I note that she's
11 wheelchair-bound and I don't want to unduly
12 inconvenience her. While it's an
13 administrative hearing, it is informal.

14 Does either counsel want a rule on
15 witnesses, as we say in Maryland?

16 MS. HUBER: It doesn't matter to
17 the Agency, Your Honor.

18 JUDGE GOODWIN: Mr. Hildes?

19 MR. HILDES: We would move to
20 exclude witnesses, Your Honor.

21 JUDGE GOODWIN: Let's go off the
22 record for about a minute. Counsel and the

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1 court understands what we're doing, but so
2 that we can explain to the various witnesses
3 what we'll do.

4 [Off the record comments.]

5 JUDGE GOODWIN: On the record.

6 Mr. Hildes, during the course of
7 the--there's an interpreter in the case, and
8 during the course of the hearing, if your
9 client has difficulty understanding what's
10 going on, just let me know and we'll take the
11 time to make sure that the translator can--

12 MR. HILDES: Great. Thank you,
13 Your Honor.

14 JUDGE GOODWIN: To lay people,
15 what we do is like speaking Greek, and I'm
16 sure when--we're fortunate in this case to
17 only have one translator. I tried a case with
18 three translators, all for the same
19 Respondent, because it was such a unique
20 dialect in India, that we had to add two
21 different translators to get to the dialect
22 that this person spoke in the village in which

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1 she lived. So, yes, it was a--

2 MR. HILDES: That's amazing.

3 JUDGE GOODWIN: It was a running--
4 a stop sign case that took all case. And Mr.
5 Hildes, I will allow the FAA to make an
6 opening statement. If you want to reserve,
7 that's fine. At your pleasure.

8 MR. HILDES: Okay. I don't know
9 if we're going to reserve at this--I think
10 we're probably going to make ours immediately
11 after.

12 JUDGE GOODWIN: Okay. Well, Ms.
13 Huber, you want to make an opening?

14 MS. HUBER: Yes, sir.

15 Your Honor, the evidence you'll
16 hear today will show that this is really a
17 very simple case. You'll hear that the
18 Respondent, Ms. Tahaira, was a passenger on
19 JetBlue Flight 83 from New York City to
20 Seattle on the evening of November 8, 2008,
21 and that the flight was operated under Part 21
22 of the FAR. The evidence will show that

1 JetBlue had implemented exit row seating
2 restrictions under Part 121.585.

3 The witnesses will testify that
4 the Respondent came aboard the aircraft in a
5 wheelchair and her assigned seat was 9F. Two
6 flight attendants on the flight, Leah Stevens
7 and Rosalind Rojas, will testify that early in
8 the flight, the Respondent reseated herself in
9 Exit Row 11. The flight attendant spoke with
10 her to determine she was qualified to sit in
11 an exit row seat, and they quickly determined
12 she could not speak enough English well enough
13 to qualify for exit row seating.

14 They instructed her to return to
15 her original seat. The evidence will show
16 that the Respondent understood those
17 instructions but she argued with the flight
18 attendants, and initially refused to move.

19 The two flight attendants, Ms.
20 Stevens and Ms. Rojas, will testify that the
21 Respondent did eventually move, but that she
22 repeatedly returned to the exit row, and that

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1 they had to repeatedly move her, which
2 distracted them from their duties.

3 The flight attendants will testify
4 that the Respondent took them back to a woman
5 passenger seated in Row 16 who could speak her
6 language.

7 This woman interpreted their
8 explanation, that she could not sit in the
9 exit row because
10 she did not meet the exit row criteria.

11 You'll hear that notwithstanding
12 this clear explanation, the Respondent
13 continued to reseat herself in the exit row,
14 even after the FAA--or after the flight
15 attendants moved the seat cushions to
16 discourage her from sitting there.

17 Although she never--she said she
18 wanted to lie down. The evidence will show
19 she never actually laid down. She just
20 continued to go to the exit row.

21 The third flight attendant on the
22 flight, Ms. Kate Sanchez, will testify that

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1 Ms. Stevens and Ms. Rojas spent substantially
2 all their time on the flight dealing with the
3 Respondent.

4 You'll also hear testimony that
5 the Respondent twice assaulted the lead flight
6 attendant, Leah Stevens. On the first
7 instance, the Respondent simply tapped on Ms.
8 Stevens' face to get her attention and Ms.
9 Stevens politely asked her not to touch her
10 again.

11 On the second instance, the
12 Respondent roughly approached Ms. Stevens in
13 the galley and grabbed her wrist, causing a
14 bruise.

15 You'll also hear testimony about
16 how important it is for passengers to follow
17 crew member instructions regarding exit row
18 seating and for them to allow the flight
19 attendants to do their jobs, free of assaults,
20 and unnecessary interruptions.

21 Despite the pleadings, Your Honor,
22 this is a very simple safety case, not a case

1 of constitutional proportions. And I would
2 ask Your Honor to take judicial notice of and
3 defer to FAA Order No. 2150.3(b), especially
4 the Administrator-sanctioned guidance in this
5 regard. Thank you.

6 JUDGE GOODWIN: Mr. Hildes, in
7 most cases, because the regulations are a
8 matter of public record, I normally take
9 judicial notice. The reason is some of these
10 regulations get pretty thick, and rather than
11 making a record that's 2000 pages long, I will
12 tell you that in any case, we always read the
13 regulations applicable to the events before
14 the court, because the regulations change.

15 But just for your benefit, I'll
16 ensure that you have the proper regulations as
17 we go through. I'm not going to ask you to
18 agree to anything at this point but I just
19 wanted to give you the benefit of what I
20 normally do.

21 Also, I want to make sure, as we
22 go through, that your client is following

1 along, and I'll ask the translator if, at some
2 point she's having difficulty following it,
3 we'll either slow down or we'll stop and make
4 sure that she understands what's going on.

5 MR. HILDES: I would ask, Your
6 Honor, for--given that, if I heard correctly,
7 I was just threatened with sanctions. I would
8 ask for a copy of that regulation since
9 unlike--

10 JUDGE GOODWIN: Not you,
11 personally. What she's saying is that the--
12 there's an order which outlines the sanctions
13 applicable in civil penalty cases. That's
14 what she's talking about.

15 MR. HILDES: I see.

16 JUDGE GOODWIN: And I'm sure, if
17 Ms. Huber is like other FAA attorneys, she has
18 a briefcase full of copies of that, if you
19 need them.

20 MR. HILDES: I would appreciate
21 that, actually.

22 JUDGE GOODWIN: Okay.

1 MR. HILDES: Not having one, and
2 not having done an FAA case before.

3 MS. HUBER: I'll provide a copy
4 of--

5 JUDGE GOODWIN: What happens in
6 these cases, Mr. Hildes, the Administrator
7 typically publishes--it's like sentencing
8 guidelines, is the closest analogy I can give
9 it.

10 MR. HILDES: Okay.

11 JUDGE GOODWIN: But as your client
12 well understands, I only have authority with
13 respect to the inclusion of a fine. You
14 know, I can't even ask her to stand up, if--I
15 don't want to but--so Ms. Huber, anything
16 else, preliminarily?

17 MS. HUBER: No, sir.

18 JUDGE GOODWIN: Mr. Hildes, do you
19 want to do an opening now, or reserve?

20 MR. HILDES: I think I will do one
21 now, Your Honor.

22 JUDGE GOODWIN: All right.

1 MR. HILDES: I think, in many
2 ways, Ms. Huber is correct, that this is a
3 simple case. It is not necessarily the simple
4 case that she presents, but I think it is a
5 simple case, and the statements that have been
6 proffered by the FAA are revealing, and the
7 testimony that Ms. Huber indicated would be
8 given is also quite revealing.

9 Yes, Ms. Huber is correct about a
10 couple of things in this matter. Ms. Tahaira
11 was wheeled on to the plane in a wheelchair.
12 She is wheeled on to the plane in a wheelchair
13 because she cannot walk more than 50 feet and
14 she cannot walk at any rapid pace due to a
15 variety of ailments pertaining to her joints,
16 and we produced a list of medical issues that
17 she faces. She also has a severe heart
18 condition, and diabetes, and a long list of
19 medical conditions. Her body is physically
20 weak.

21 It was a great struggle for her to
22 be here today. She is here against doctor's

1 recommendations. She is out of the nursing
2 home against doctor's recommendations. Ms.
3 Tahaira boarded the flight, and it's
4 interesting that Ms. Huber cites her as
5 speaking enough English to be able to
6 understand all the orders, but clearly
7 speaking so little English as to not be able
8 to understand instructions as to the emergency
9 exit row. And we concede, someone who is not
10 proficient in English can be moved from an
11 emergency exit row. Absolutely.

12 It happened to me in countries
13 where I didn't speak the language.

14 But everything from there is where
15 the truth differs. Ms. Tahaira--when the
16 plane boarded and the doors closed, many of
17 the people on the flight moved to rows where
18 they could lie down by themselves.

19 Ms. Tahaira moved to such a row,
20 attempted to do so. The row she attempted to
21 lie down in was the emergency exit row, which
22 she was instructed, and if the instructions

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1 were polite and reasonable, that she could not
2 sit in that row, that's fine, assuming she
3 understood them. When she was moved from that
4 seat, and it did not happen over and over
5 again, it happened once, she left, in her
6 stress, left her medication in the seat pocket
7 in that seat. That includes heart medication
8 that she has to take immediately, if her heart
9 starts to race, if she starts to have chest
10 pain, any of the other reasons why people take
11 emergency heart medication when they have high
12 blood pressure and heart conditions.

13 She was then not allowed to move
14 to another row, as all the other passengers
15 were. She was moved to the only row where
16 anyone who looked like her was sitting. That
17 is why this is a civil rights issue. Because
18 she was treated that way from moment one till
19 the end of this incident. And still.

20 And she was ordered to sit in the
21 row with two other people, in a row of three
22 seats, because they looked like her, and the

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1 flight attendants, who didn't bother to ask,
2 assumed that they all spoke the same language.

3 As it happens, the woman and her
4 son who they moved her next to did speak Urdu.
5 But they could have spoken any one of--Your
6 Honor has noted--obscure village dialects from
7 India or Pakistan, or anywhere else in South
8 Asia. They happened to guess correctly. and
9 there she was required to sit, in a little
10 South Asian ghetto.

11 When she asked to lie down--she
12 had been on a very long flight from Lahore,
13 Pakistan to Dubai, to New York. In New York,
14 they missed the connecting flight and she was
15 stuck in the wheelchair, at JFK, for ten
16 hours, waiting to be--waiting for the JetBlue
17 flight that she was then put on.

18 Ironically, if she had been on her
19 original flight, which was American Airlines,
20 an airline without a history of such
21 incidents, we wouldn't be here. But she
22 wasn't.

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1 So when she attempted to lie down
2 in another row, she was told that those
3 passengers all paid for those seats. Each one
4 paid for all three seats. If Your Honor has
5 flown anywhere near as much as I have, or
6 presumably anyone else in this courtroom has,
7 nobody pays for multiple seats to lie down.

8 If there are seats available,
9 passengers are generally allowed to move, and
10 every passengers was except Ms. Tahaira. Ms.
11 Tahaira's medication is back in row 11, in the
12 emergency exit row. She asks, as best she
13 can, "I need to get my medication." She tries
14 to go back to the seat. She is grabbed and
15 forcibly taken back to the seat that they put
16 her in. She keeps trying to explain,
17 through Rasheda Dutt, who is a subpoenaed
18 witness in this case, who is the woman she was
19 seated next to--"I need my medication." They
20 yelled at her. They told her she couldn't
21 move.

22 Finally, she says: What happens if

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1 I have a heart attack? I need my heart
2 medication. And the response of the flight
3 attendant was: If you die, we'll throw your
4 body out the window and off the plane and
5 it'll be fine. She was treated with absolute
6 disrespect from the moment she got on to the
7 plane until now.

8 And so here we are. She never
9 touched anyone. She never touched a flight
10 attendant. The evidence of this supposed grab
11 is so specious and inaccurate. We have a
12 statement under penalty of perjury from the
13 eyewitness who says it never happened. The
14 eyewitness is the only one on the plane who's
15 given a statement, other than Ms. Tahaira, who
16 is not a flight attendant, or an airline
17 employee. The only passenger.

18 If this incident had happened the
19 way the airline claims it does, the police
20 would have statements from passengers
21 corroborating it. We live in times where
22 people are considered suspect and a threat

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1 because of what they look like, and how they
2 worship, not because of anything they do. And
3 JetBlue has a long history of incidents like
4 this, very public incidents like this, one
5 after another, not coincidentally, always
6 involving people who are Arab or South Asian,
7 and Muslim. And this is one of those
8 instances. This case should not be here. It
9 should never have been filed.

10 Ms. Dutt gets \$339 a month in
11 welfare. Or Ms. Tahaira. I apologize. She
12 has no income. The FAA seeks \$6,000 in
13 penalty from a woman who has public benefits
14 that would not equal that in almost two years,
15 for an incident that did not happen. You will
16 hear Ms. Tahaira testify, you will hear what
17 really happened, and we believe, Your Honor,
18 that you will find that she did not commit the
19 violations, and dismiss the civil penalty
20 claim, as it should be. Thank you.

21 JUDGE GOODWIN: Ms. Huber, do you
22 want to call your first witness, please.

1 MS. HUBER: Yes, sir. The FAA
2 calls James Byron Hawks.

3 JUDGE GOODWIN: While the first
4 witness is coming in, Mr. Hildes, I'll
5 explain, for the benefit of your client, what
6 we talked about when you first arrived. If
7 the translator will--yes; okay. I want to
8 explain to Ms. Tahaira, that during the course
9 of taking testimony, I've instructed counsel
10 that I don't want any personal information put
11 into the record, such as home addresses, home
12 phone numbers. And that goes for either side.

13 The witnesses will be asked the
14 business addresses, business phone number, if
15 it's relevant, and I invite counsel to review
16 whatever you submit. Too often, in police
17 reports, there are dates of birth, home
18 addresses and phone numbers, and I'm going to
19 ask you to--you can put them up here--we're
20 going to ask that that information be
21 redacted, and I have a black magic marker, if
22 you didn't bring one, so--

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1 MR. HILDES: We did not. Thank
2 you, Your Honor.

3 JUDGE GOODWIN: I never used to
4 bring one to court either, so--sir, would you
5 stand and raise your right hand.
6 WHEREUPON,

7 JAMES BYRON HAWKS
8 was called for examination by counsel for the
9 Complainant and, having first been duly sworn,
10 assumed the witness stand, was examined and
11 testified as follows:

12 JUDGE GOODWIN: Please be seated.
13 State your full name for the record and spell
14 your first and last name.

15 THE WITNESS: Okay. My first name
16 is James, J-a-m-e-s. Middle name is Byron, B-
17 y-r-o-n. Last name is Hawks. H-a-w-k-s.

18 MR. HILDES: Your Honor, at this
19 time we're going to object to Mr. Hawks'
20 testimony. He is not an eyewitness. He was
21 not present. Any information he may have
22 gathered is hearsay and there are better

1 witnesses to testify as to all of it.

2 JUDGE GOODWIN: Ms. Huber, do you
3 want to be heard?

4 MS. HUBER: Yes, Your Honor. Mr.
5 Hawks is the aviation safety inspector who
6 investigated the case. He has a lot of
7 testimony to offer with respect to Part 121,
8 its applicability in his investigation, and
9 it's standard in these cases to accept the
10 testimony of such witnesses.

11 JUDGE GOODWIN: The objection's
12 overruled. Counsel, in administrative
13 hearings I give substantial leeway. The fact
14 that he doesn't have any personal knowledge
15 certainly goes to weight.

16 MR. HILDES: Understood, Your
17 Honor. Thank you.

18 JUDGE GOODWIN: Now again, as the
19 testimony goes through, if the translator
20 needs time to make sure that she understands,
21 just raise your hand, or do something that'll
22 draw my attention.

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1 Mr. Huber.

2 MS. HUBER: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MS. HUBER:

5 Q Mr. Hawks, where are you employed?

6 A For the Federal Aviation
7 Administration in Redton, Washington.

8 Q What is your position?

9 A I'm sorry?

10 Q What is your position?

11 A Credential?

12 Q No. What is your position?

13 A Position. Oh. I'm an Aviation
14 Safety Inspector.

15 Q Okay. How long have you been
16 employed in that position?

17 A I've been with the FAA for one and
18 a half years.

19 Q Okay. Where were you previously
20 employed?

21 A I was previously employed by Delta
22 Airlines as a flight simulator instructor

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1 immediately before coming to the FAA. I was
2 originally hired by Eastern Airlines in 1966
3 and flew as a pilot for Eastern Airlines for
4 22 and a half years. And then I was with--I
5 had my own business for five years. And then
6 I was a captain with Kiwi Airlines for five
7 years. And then I was a pilot with Tower Air
8 for a year and a half, before going to Delta
9 for six and a half years.

10 Q Okay. What certificates and
11 ratings do you hold, Mr. Hawks?

12 A I have an airline transport rating
13 with top ratings on the DC9 and Boeing 727,
14 and of course I have a commercial license with
15 single and multiengine land, and single engine
16 seat plane ratings.

17 Q Okay. Now Mr. Hawks, as part of
18 your duties, do you investigate incidents that
19 occur aboard airline--

20 A I'm sorry?

21 Q As part of your duties, do you
22 investigate incidents which occur aboard

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1 airline flights?

2 A Oh, yes; right. I'm in Air
3 Carrier Operations and the Flight Standards
4 District Office in Renton.

5 Q Okay. Did you happen to
6 investigate an incident which occurred aboard
7 JetBlue Flight 83 from New York to Seattle on
8 November 8, 2008?

9 A Yes. I did.

10 Q What prompted this investigation?

11 A I was assigned by my supervisor to
12 --the FSDO, the Flight Standards District
13 Office, gets all of the reports from the, for
14 Seattle police that come in, go to the FSDO,
15 and then a supervisor will assign it to an
16 investiga--I mean an inspector to investigate,
17 and there are only four of us that are in Air
18 Carrier Operations where we have experience
19 with Air Carrier Operations, and so I was the
20 one that was assigned this particular
21 incident.

22 Q Okay. What did your investigation

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1 consist of?

2 A I started with a report that was
3 prepared by the police department, the Port of
4 Seattle police, and then I read the flight
5 attendant reports that were sent along with
6 that report, and I called and talked to the
7 senior flight attendant, Leah Stevens. I
8 talked to her on the telephone.

9 And then as, you know, in your
10 office, I also took part in conference calls
11 with the first officer on the trip, and also
12 with Laura Clampitt, in this area.

13 Q Okay. Now Mr. Hawks, as part of
14 your investigation, did you determine that
15 JetBlue Flight 83 was operated under Part 121
16 of the FARS?

17 A I did.

18 MS. HUBER: I'm going to--Your
19 Honor, may I approach the witness?

20 JUDGE GOODWIN: Yes.

21 MS. HUBER: Mr. Hawks, I'm going
22 to show you a document that's been marked--

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1 THE REPORTER: You have to be near
2 a microphone.

3 [Complainant's Exhibit
4 No. 1 was marked for
5 identification]

6 BY MS. HUBER:

7 Q I'm going to show you a document
8 which has been marked as Complainant's Exhibit
9 1 for identification, and ask you if you have
10 ever--

11 MR. HILDES: Your Honor, we'll
12 stipulate that JetBlue is a licensed airline
13 that's allowed to fly.

14 JUDGE GOODWIN: Okay. The court
15 reporter's having some--Ms. Huber, do you want
16 to repeat, closer to the mike.

17 MS. HUBER: Yes. I've now handed
18 the witness a document which has been handed
19 as Complainant's Exhibit 1 for identification.

20 BY MS. HUBER:

21 Q Mr. Hawks, do you recognize that
22 document?

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1 A Yes. I do.

2 Q And is that an accurate copy of
3 the certificate for JetBlue Airlines?

4 A It is. It has their certificate
5 number on it.

6 Q How did this document assist you
7 in your investigation?

8 A It establishes the fact that they
9 were certificated under Part 121 of the
10 Federal Aviation regulations, and the Part 121
11 regulations are the ones that would apply to
12 this situation.

13 Q Thank you.

14 JUDGE GOODWIN: Mr. Hildes, your
15 stipulation was that they're--

16 MR. HILDES: That they're a
17 certificated airline, that they're licensed to
18 fly as a commercial airline. I don't think
19 that's in dispute.

20 JUDGE GOODWIN: Okay. Thank you.

21 MS. HUBER: I'm going to.

22 COURT REPORTER: Ma'am, you really

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1 can't talk in between mikes.

2 JUDGE GOODWIN: You're driving her
3 crazy. We don't want the court reporter to
4 have a nervous breakdown.

5 [Complainant's Exhibit
6 No. 2 was marked for
7 identification]

8 BY MS. HUBER:

9 Q Mr. Hawks, can you look at
10 Complainant--the document in front of you
11 which has been marked as Complainant's Exhibit
12 2 for identification. Do you recognize that?

13 A Yes. I do.

14 Q What is that?

15 A This top document is paragraph
16 D085 of the operation specifications for
17 JetBlue Airlines, that establishes the fact
18 that the aircraft used on that particular
19 flight was on their certificate and operated
20 by JetBlue.

21 Q Is that an accurate copy, to your
22 knowledge, of the--

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1 A It is.

2 MS. HUBER: Your Honor, the Agency
3 offers Complainant's Exhibits 1 and 2.

4 MR. HILDES: No objection. We'll
5 stipulate that this was a plane that was on
6 their manifest, that these are not actually
7 the issues in dispute. We'll stipulate that
8 this plane burned fuel. We'll even stipulate
9 that this was--that the witnesses testifying
10 were in that flight crew, except for Mr.
11 Hawks, of course.

12 MS. HUBER: Okay.

13 JUDGE GOODWIN: Exhibits,
14 Complainant's Exhibits 1 and 2 for
15 identification are received in evidence as
16 Complainant's 1 and 2.

17 [Complainant's Exhibit
18 No. 1 and No. 2,
19 previously marked for
20 identification, were
21 received in evidence]

22 [Complainant's Exhibit

1 No. 3 was marked for
2 identification]

3 BY MS. HUBER:

4 Q Okay. Mr. Hawks, also with
5 respect to Complainant's Exhibit 3 for
6 identification, do you recognize that?

7 A I'm sorry. I missed the first
8 part of that.

9 Q If you could look at the document
10 in front of you, that's marked as
11 Complainant's Exhibit 3 for identification.

12 A Right.

13 MS. HUBER: I believe counsel has
14 stipulated that this is an accurate document.

15 The Agency offers Complainant's
16 Exhibit 3.

17 THE WITNESS: The office said
18 what?

19 MS. HUBER: The Agency offers
20 Complainant's Exhibit 3 for the stipulation.

21 THE WITNESS: Yes, that was from
22 the--yes, from the Management Office of the

1 FAA for JetBlue in New York. This is their
2 dispatch release that shows the aircraft
3 number, and the clearance information for that
4 particular flight. And it also has the list
5 of flight attendants that were assigned to
6 that flight, and the--well, the crew members.
7 Both the flight crew and the flight
8 attendants.

9 MS. HUBER: Okay. Your Honor, the
10 Agency offers Exhibit--

11 JUDGE GOODWIN: Well, pursuant to
12 your stipulation, you don't have any
13 objection, do you, Mr. Hildes?

14 MR. HILDES: We have no objection
15 to Exhibit 3.

16 JUDGE GOODWIN: Exhibit 3 for
17 identification is received.

18 MR. HILDES: Or I don't think we
19 have an objection to Exhibit 4, for that
20 matter.

21 MS. HUBER: Okay. Mr. Hawks--

22 JUDGE GOODWIN: Hold on a minute.

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1 Complainant's 3 for identification is received
2 in evidence as Complainant's 3.

3 MS. HUBER: Thank you, Your Honor.

4 [Complainant's Exhibit
5 No. 3, previously marked
6 for identification, was
7 received in evidence]

8 BY MS. HUBER:

9 Q Mr. Hawks, has JetBlue implemented
10 exit row seating instructions under Part 121?

11 A They have.

12 [Complainant's Exhibit
13 No. 4 was marked for
14 identification]

15 Q Okay. If you would refer to the
16 document marked as Complainant's Exhibit 4 for
17 identification in front of you.

18 A Yes.

19 Q What is that document?

20 A This is the--a part of their
21 operations specifications, where their exit
22 seating program was approved by the FAA, by

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1 their principal operating inspector.

2 Q Is this an accurate copy of the
3 original?

4 A Yes; it is.

5 MS. HUBER: The Agency offers
6 Complainant's Exhibit 4.

7 THE WITNESS: Yes.

8 JUDGE GOODWIN: Objection,
9 counsel?

10 MR. HILDES: No objection, Your
11 Honor.

12 JUDGE GOODWIN: Four for
13 identification, Complainant's 4 for
14 identification is received in evidence as
15 Complainant's 4.

16 MS. HUBER: Thank you, Your Honor.

17 [Complainant's Exhibit
18 No. 4, previously marked
19 for identification, was
20 received in evidence]

21 BY MS. HUBER:

22 Q Mr. Hawks, how did this document

1 assist you in your investigation?

2 JUDGE GOODWIN: Which document?

3 MS. HUBER: Complainant's Exhibit

4 4.

5 THE WITNESS: I'm sorry. How does
6 it what?

7 MS. HUBER: How did this document
8 assist you in your investigation?

9 THE WITNESS: This establishes the
10 fact that JetBlue does have a program for the
11 seating in the emergency exit row.

12 BY MS. HUBER:

13 Q Mr. Hawks, does JetBlue also have
14 an exit row seating criteria card which sets
15 out its exit row seating criteria?

16 A Yes; they do.

17 [Complainant's Exhibit
18 No. 5 was marked for
19 identification]

20 Q If you'd refer to the document in
21 front of you, that's been marked as
22 Complainant's Exhibit 5 for identification.

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1 A Yes.

2 Q Do you recognize that?

3 A Yes. I do.

4 Q And what is that?

5 A That's the card that's available
6 in all the seatback pockets, that the people
7 that sit in those rows can reference, that
8 tells them the qualifications for sitting in
9 the row, and also the duties that are expected
10 of them.

11 MR. HILDES: Your Honor, I'm going
12 to object at this time. He's testifying as to
13 an exhibit that we have not received.

14 JUDGE GOODWIN: It's Exhibit 5.

15 MS. HUBER: Your Honor, may I
16 approach the witness?

17 JUDGE GOODWIN: Yes.

18 MR. HILDES: We would appreciate
19 if you'd approach the Respondent with a copy
20 of the exhibit.

21 [Pause]

22 MS. HUBER: Okay. The record

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1 should reflect that Respondent's counsel has
2 been provided a copy of Complainant's Exhibit
3 5 for identification.

4 MR. HILDES: I'm going to note for
5 the record, that the copy is poor enough, that
6 it's extremely difficult to read, and that
7 there are parts of it that I cannot read.

8 MS. HUBER: Well, Mr. Hawks, did
9 you acquire this document in the course of
10 your investigation?

11 THE WITNESS: I did.

12 BY MS. HUBER:

13 Q Is it a true and accurate copy of
14 the original?

15 A It is.

16 MS. HUBER: Your Honor, the Agency
17 offers Complainant's Exhibit 5.

18 MR. HILDES: Your Honor, we're
19 going to object to the extent that--and I just
20 checked discovery. I have an identical copy
21 that is also unreadable because of the copy
22 quality.

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1 So I cannot object, or formulate
2 questions based on something that I can't
3 read.

4 JUDGE GOODWIN: Well, I'm going to
5 overrule the objection but I'm also going to
6 note to the extent that the court's unable to
7 read it, it goes to weight. But the court's
8 copy is not easily discernible. So it
9 certainly--the exhibit's admissible. It may
10 have no weight at all, if it's not easily
11 read.

12 So Complainant's 5 for
13 identification is received in evidence as
14 Complainant's 5.

15 [Complainant's Exhibit
16 No. 5, previously marked
17 for identification, was
18 received in evidence]

19 MS. HUBER: Thank you, Your Honor.

20 BY MS. HUBER:

21 Q Mr. Hawks, how did this document
22 assist you in your investigation?

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1 A Well, it lays out the requirements
2 for being able to sit in a seat, and
3 establishes the fact that Ms. Tahaira did not
4 qualify to sit in those seats.

5 Q Okay. If someone comes aboard the
6 aircraft in a wheelchair, would they meet
7 those exit row seating criteria?

8 A It'd be highly unlikely. I can't
9 imagine how that would be--how it could be.
10 How someone who needed to have a wheelchair to
11 get around would be able to handle the duties
12 of assisting in an emergency evacuation.

13 [Complainant's Exhibit
14 No. 6 was marked for
15 identification]

16 BY MS. HUBER:

17 Q Mr. Hawks, I'd like you to refer
18 to a document that's been marked as
19 Complainant's Exhibit 6 for identification.
20 Do you see that in front of you?

21 A I do.

22 Q Do you recognize it?

1 MR. HILDES: I'm sorry, Your
2 Honor. I'm going to note that on page two,
3 Ms. Tahaira's information, at least on this
4 copy, is redacted, but it is redacted lightly
5 enough, that I can read right through it.

6 JUDGE GOODWIN: Okay. The court--
7 on page two?

8 MR. HILDES: Yes, Your Honor.

9 JUDGE GOODWIN: Okay. I've got--
10 remind me at the break. I've got the black
11 magic markers back in chambers and I'll--on
12 the court's--the court is going to retain the
13 original exhibits, which I will then submit to
14 my office, and then submit to docketing. The
15 reporter is equally as well prepared as I am,
16 and has provided me with a permanent magic
17 marker, and I will redact the information.

18 At the end of the hearing, I'm
19 going to invite both counsel to examine any of
20 the exhibits that are either identified or in
21 evidence, and if there's a problem with
22 redaction, we'll address that at the end of

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1 the hearing--

2 MR. HILDES: Understood. Thank
3 you.

4 JUDGE GOODWIN: --pursuant to my
5 comments earlier in the case.

6 MR. HILDES: Thank you, Your
7 Honor.

8 JUDGE GOODWIN: I notice also on
9 page three, Ms. Huber, that a redaction isn't
10 complete, so I'm going ahead and--and on page
11 four of Ms. Rojas, the addresses--

12 MS. HUBER: Your Honor, the Forest
13 Hills address is the business address for
14 JetBlue.

15 JUDGE GOODWIN: Okay. Well, I
16 redacted it anyway, so--

17 MS. HUBER: Thank you.

18 JUDGE GOODWIN: But again, at the
19 end of the hearing, I want to make sure that
20 counsel have ample opportunity to review the
21 exhibits and ensure themselves that all the
22 information is redacted.

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1 MS. HUBER: Thank you, Your Honor.

2 MR. HILDES: Thank you, Your
3 Honor.

4 JUDGE GOODWIN: And thanks for
5 bringing that to my attention, Mr. Hildes.

6 MR. HILDES: You're welcome, Your
7 Honor.

8 JUDGE GOODWIN: Ms. Huber.

9 BY MS. HUBER:

10 Q Mr. Hawks, with respect to
11 Complainant's Exhibit 6 for identification, do
12 you recognize that?

13 A I do.

14 Q What is it?

15 A This is the report that we
16 received from the Port of Seattle police
17 department.

18 Q How did it come into your
19 possession?

20 A It was handed to me by my
21 supervisor at the time that this incident was
22 assigned to me for investigation.

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1 Q Is this a copy?

2 A I believe it is; yes.

3 Q Did you acquire this document in
4 the course of a regularly-conducted activity?

5 A Yes. This is not the original.
6 This is a copy of the original document. Is
7 that what you mean?

8 Q Yes.

9 A Yes; okay.

10 Q From whom did you acquire this
11 document, or the original of this document?

12 A From my supervisor.

13 Q And from whom did your supervisor
14 acquire it?

15 A From the Port of Seattle police.
16 It was--you can see by this stamp, that the
17 Port of Seattle police prepared this for the
18 FAA, and they sent it by mail to the FSDO
19 office, and then one of the admin personnel
20 opened it, and gave it to the supervisor for
21 assignment.

22 Q Is the Port of Seattle the

1 custodian of the original?

2 A Port of Seattle what?

3 Q Is the Port of Seattle the
4 custodian of the original document, report?

5 A They sent us--they have--I'm not
6 sure about that. They have a copy of it.
7 It's a--the one that we get--I don't know for
8 absolutely certain, if the one that we get is
9 a copy of the original or the original.

10 Q Okay. Do you know if
11 Complainant's Exhibit 6 for identification is
12 a true and accurate copy of the original?

13 A Yes; yes.

14 MS. HUBER: The Agency offers
15 Complainant's Exhibit 6 for identification as
16 Complainant's Exhibit 6.

17 MR. HILDES: We're going to
18 object, for the following reasons. He doesn't
19 have a basis for knowing that this is the true
20 or original police report, because he received
21 it, third hand, from somebody else, who opened
22 the envelopes of an unnamed person, who may

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1 have received it from the Seattle police. We
2 think there's an incomplete chain of custody,
3 and police reports are inherently hearsay, and
4 even under the relaxed rules, we object under
5 those conditions because there is no police
6 officer to authenticate the report.

7 THE WITNESS: If I may--

8 JUDGE GOODWIN: There's no
9 question pending. Ms. Huber, do you want to
10 respond?

11 MS. HUBER: Yes, Your Honor. I
12 think it falls within the business exceptions
13 to the hearsay rule. It is a part of Mr.
14 Hawks' investigative file. He's the custodian
15 with the original of that, and we offer it on
16 that basis.

17 JUDGE GOODWIN: To the extent, to
18 the limited extent for which it is offered,
19 I'm going to overrule the objection. Now
20 counsel for Respondent is correct, that the
21 majority of the contents are hearsay. But
22 I'll allow it. I will allow it for the

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1 purpose for which it is offered, but not
2 necessarily for the truth of everything
3 contained therein.

4 MS. HUBER: Thank you.

5 MR. HILDES: Understood.

6 [Complainant's Exhibit
7 No. 6, previously marked
8 for identification, was
9 received in evidence]

10 JUDGE GOODWIN: And just for the
11 record, for the reporter, FSDO is F-S-D-O.
12 And Mr. Hawks, you used the term FSDO. For
13 the benefit of the Respondent--

14 MR. HILDES: Yes, please.

15 JUDGE GOODWIN: --would you please
16 tell the Respondent what FSDO--spell it for
17 her and then just her know what that is.

18 THE WITNESS: Yes, Your Honor.
19 It's F-S-D-O and that is the Flight Standards
20 District Office for the FAA.

21 JUDGE GOODWIN: Okay. Thank you.

22 MR. HILDES: I apologize, Your

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1 Honor. I am informed that my client needs a
2 restroom break, as she does with some
3 frequency, given her medical conditions.

4 JUDGE GOODWIN: Let's take a ten
5 minute break. I'll return to the bench at
6 five minutes of 11:00. I'm going to instruct
7 the witness not to discuss your testimony with
8 anybody. You are still under oath. You're
9 not to discuss your testimony with anyone.
10 And at ten minutes of 11:00, I'd like you to
11 return to the stand and we'll resume at that
12 point. We'll go off the record.

13 MR. HILDES: Thank you, Your
14 Honor.

15 [Whereupon, the above-entitled
16 matter went off the record at 10:45 a.m. and
17 resumed at 11:04 a.m.]

18 JUDGE GOODWIN: On the record.

19 Ms. Huber, do you want to pick up
20 where we were.

21 MS. HUBER: Yes, sir.

22 BY MS. HUBER:

1 Q Mr. Hawks, as a part of your
2 investigation, did you send a letter of
3 investigation to the Respondent?

4 A It is.

5 [Complainant's Exhibit
6 No. 7 was marked for
7 identification]

8 Q I'd like you to refer to
9 Complainant's Exhibit 7 for identification
10 which is there in front of you. Do you
11 recognize that?

12 A Yes. I do.

13 Q What is that?

14 A This is the letter of
15 investigation that was sent to Ms. Tahaira by
16 me, and signed by me.

17 Q Is that a true and accurate copy
18 of the original that you sent her?

19 A Yes; it is.

20 MS. HUBER: The Agency offers
21 Complainant's Exhibit 7 for identification as
22 Complainant's Exhibit 7.

1 MR. HILDES: No objection.

2 JUDGE GOODWIN: Complainant's 7
3 for identification is received into evidence
4 as Complainant's 7, and I note again, counsel,
5 that the address isn't completed redacted, so
6 I'm going to finish it.

7 MR. HILDES: Thank you, Your
8 Honor.

9 [Complainant's Exhibit
10 No. 7, previously marked
11 for identification, was
12 received in evidence]

13 BY MS. HUBER:

14 Q Mr. Hawks, did you receive a
15 response to this letter of investigation?

16 A I did.

17 [Complainant's Exhibit
18 No. 8 was marked for
19 identification]

20 BY MS. HUBER:

21 Q If you would refer there to
22 Complainant's Exhibit 8 for identification,

1 which is in front of you. Do you recognize
2 that?

3 A Yes. I do.

4 Q What is that?

5 A This is the response that I got
6 from Ms. Tahaira, response to my letter of
7 investigation.

8 Q Is that a true and accurate copy
9 of the original that you received in the mail?

10 A Yes; it is.

11 MS. HUBER: The Agency offers
12 Complainant's Exhibit 8 as Complainant's
13 Exhibit 8.

14 JUDGE GOODWIN: Counsel, any
15 objection?

16 MR. HILDES: No objection, Your
17 Honor.

18 MS. HUBER: Mr. Hawks, did you
19 consider--

20 JUDGE GOODWIN: Hold on.
21 Complainant's 8 for identification is received
22 in evidence as Complainant's 8.

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1 MS. HUBER: I apologize, Your
2 Honor.

3 [Complainant's Exhibit
4 No. 8, previously marked
5 for identification, was
6 received in evidence]

7 BY MS. HUBER:

8 Q Mr. Hawks, did you consider this
9 response in deciding whether to refer the case
10 for legal enforcement action?

11 A Yes. I did.

12 Q Did you consider the mitigating
13 information provided in the letter regarding
14 Ms. Tahaira's age and health?

15 A I missed the very last part of
16 that.

17 Q Oh. Did you consider the
18 mitigating information provided in the letter
19 regarding Ms. Tahaira's age and health?

20 A Yes. I did.

21 MR. HILDES: Your Honor, I'm going
22 to object to the characterization as

1 mitigating. It is beyond mitigating. It is
2 a defense. It's not offered for mitigation.
3 It's offered as a defense.

4 JUDGE GOODWIN: The objection's
5 overruled.

6 BY MS. HUBER:

7 Q Mr. Hawks, did you also receive
8 another response to the LOI, or the letter of
9 investigation?

10 A Yes. I did.

11 Q Who was that from?

12 A This is from Mat Chaudhry.

13 [Complainant's Exhibit
14 No. 9 was marked for
15 identification]

16 Q I'd like you to look at
17 Complainant's Exhibit 9 for identification
18 there, in front of you. Do you recognize
19 that?

20 A Yes.

21 Q What is it?

22 A I'm sorry?

1 Q What is that document?

2 A That's the letter from Mr.
3 Chaudhry in response to my letter of
4 investigation.

5 Q Is that a true and accurate copy
6 of the original which you received in the
7 mail?

8 A Yes.

9 MS. HUBER: The Agency offers
10 Complainant's Exhibit 9 for identification as
11 Complainant's Exhibit 9.

12 MR. HILDES: We're going to object
13 to it as hearsay, to the extent that Mr.
14 Chaudhry was not on the flight. He is here to
15 testify as to what he was told, but his mother
16 was the passenger on the flight. She's the
17 one who has evidence about what occurred.

18 We're not going to object to the
19 exhibit. We just--

20 JUDGE GOODWIN: Right.
21 Understand. I'm going to overrule the
22 objection and allow admission of the exhibit,

1 but take into account counsel's argument. It
2 certainly goes to weight. To the extent that
3 there are witnesses who can give firsthand
4 testimony with respect to the facts in this
5 case, that is going to be given much greater
6 weight than this. But for the purposes, the
7 exhibit will be allowed, and Complainant's 9
8 for identification is received in evidence as
9 Complainant's 9.

10 [Complainant's Exhibit
11 No. 9, previously marked
12 for identification, was
13 received in evidence]

14 MS. HUBER: Thank you, Your Honor.

15 BY MS. HUBER:

16 Q Mr. Hawks, did you consider this
17 response from Ms. Tahaira's son in deciding
18 whether to refer the case for legal
19 enforcement action?

20 A Yes. I did.

21 Q Did you consider the information
22 provided in the letter regarding her age and

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1 health?

2 A Yes.

3 Q Did you consider this information
4 to provide an excuse for her behavior?

5 MR. HILDES: Object to the
6 characterization as excuse for behavior that
7 did not occur. We also would object to the
8 extent that Mr. Hawks' credentials as a pilot
9 were established. His expertise in
10 investigations was not established; only his
11 title.

12 JUDGE GOODWIN: Well, it's--I'm
13 going to sustain the objection to--Ms. Huber,
14 it's obvious that he used it as part of his
15 investigation, in making his determination.
16 Anything beyond that, for characterization,
17 isn't necessarily relevant.

18 MS. HUBER: Okay.

19 BY MS. HUBER:

20 Q So Mr. Hawks, you did consider
21 this letter as well?

22 A Yes. I did.

1 Q And you did subsequently refer the
2 case for a legal enforcement action; is that
3 correct?

4 A That's correct.

5 Q Okay. Mr. Hawks, based on your
6 training and experience as a pilot, and as an
7 aviation safety inspector, do you have an
8 opinion about whether it's important for
9 passengers in exit rows to be able to speak
10 English?

11 MR. HILDES: Your Honor, I'm going
12 to again object. The Complainant has not
13 established what his credentials as an
14 investigator are, other than that he is one.
15 They have established that he was a pilot for
16 many years, commercially. But that's the
17 extent.

18 And during the period that he was
19 a pilot, and the regulations were different
20 than what they are now--according to counsel
21 for the Complainant herself, these regulations
22 went into effect after that period and since

1 he became an investigator.

2 JUDGE GOODWIN: I'm going to
3 sustain it; lack of foundation.

4 MS. HUBER: Okay.

5 BY MS. HUBER:

6 Q Mr. Hawks, when you became an
7 aviation safety inspector for the FAA--

8 A Right.

9 Q --did you receive training?

10 A Oh, absolutely. We received a
11 month and a half of training, and the biggest
12 part of the training was devoted toward
13 investigation and enforcement.

14 Q Okay. And you testified
15 previously, that you are specialized as an
16 operations--air carrier operations safety
17 inspector; is that correct?

18 A That's correct.

19 Q You are one of how many inspectors
20 in your office who specialize in that area?

21 A Four.

22 Q And do you have special training

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1 to qualify you as an air carrier aviation
2 operations inspector?

3 A Yes.

4 Q Does that training include an
5 understanding of the importance of exit rows
6 and the use of exit rows?

7 A Yes. It does.

8 Q Okay. Based on that training and
9 experience, do you have an opinion about
10 whether it's important for passengers in exit
11 rows to be able to speak English?

12 A Yes. It's absolutely vital that
13 the people sitting in that row be able to
14 understand and speak English, as well as to be
15 able to read instructions in English, because
16 people who sit in that row are positioned
17 between the emergency exit and the passengers
18 that are trying to get off the aircraft, you
19 know, in an unexpected emergency.

20 A good example of that is the
21 recent incident in New York where the pilot,
22 like about five or six minutes after takeoff,

1 wound up ditching in the Hudson River--

2 MR. HILDES: Your Honor, I'm going
3 to object. Excuse me. I'm going to object
4 for the following grounds. First of all,
5 referring to an incident that is of great
6 currency and great emotional import, that
7 happened long after this one, is not
8 particularly relevant.

9 Second of all, I'm again going to
10 object. His training as a safety inspector
11 apparently was about six weeks; a month and a
12 half. We have no evidence of publication. We
13 have no evidence of specific expertise. We
14 have no evidence that he's given training. We
15 have no evidence that he's written anything,
16 that he's provided training manuals. Nothing
17 that would certify him as an expert under
18 Daubert, and we would move to exclude his
19 conclusions as lacking foundation, and we'd
20 move to exclude the specific illustrative
21 example as inappropriate.

22 JUDGE GOODWIN: The objection is

1 overruled; it goes to weight. However, I'm
2 not sure that any instances beyond the date of
3 this are particular relevant or helpful to the
4 court.

5 MS. HUBER: Thank you.

6 JUDGE GOODWIN: The regulation--
7 let me just point out. The regulation is the
8 regulation, and to the extent that any
9 regulation is written down in black and white,
10 the court isn't particularly interested in
11 anybody's opinion as to what that says. The
12 only opinion that counts is mine.

13 MR. HILDES: Thank you.

14 MS. HUBER: Thank you, Your Honor.

15 BY MS. HUBER:

16 Q Mr. Hawks, is it important for
17 passengers in exit rows to be able to lift
18 emergency exit doors?

19 A Yes. Well, that's one of the main
20 requirements. Obviously, you can't use the
21 exit unless you remove the exit window and
22 those windows weigh about--a little over 60

1 pounds, between 60 and 70 pounds, and they
2 have to be removed, and then placed somewhere,
3 out of the way, to keep from obstructing the
4 exit.

5 Q Is it important for passengers to
6 comply with flight attendant instructions
7 during flights under Part 121?

8 A Yes. The flight attendants are
9 primarily on board of the aircraft for safety
10 reasons. They're highly-trained professionals
11 and it's important that the passengers on
12 aircraft adhere to instructions that the
13 flight attendants give them because it's a
14 matter of safety--

15 MR. HILDES: Your Honor, I'm going
16 to make the same objection into his expertise,
17 and I would also ask that when I make the
18 objection, he stop his testimony.

19 JUDGE GOODWIN: The court has
20 pointed out in its own opinion, and I draw
21 your attention to--hold on just a second.

22 The court has stated--that the

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1 Agency and the court have stated, on a number
2 of occasions, their understanding of the
3 functions of crew members, and I draw your
4 attention to the case of the FAA v. Conner,
5 which is DMS FAA 2004-20530. I don't remember
6 the date that I issued it but I noted in that
7 opinion, that flight attendants are not
8 waiters. It's the flight attendant's primary
9 responsibility to assure the safety and
10 security of passengers.

11 So the court's quite aware, as is
12 the Agency, of the importance of flight
13 attendants. To the extent that the witness is
14 expressing an opinion as to the duties of a
15 flight attendant, I don't think that's
16 particularly relevant, and I'll sustain the
17 objection.

18 MS. HUBER: Thank you, Your Honor.

19 BY MS. HUBER:

20 Q Mr. Hawks, are you familiar with
21 the FAA's enforcement sanction guidance?

22 A Yes.

1 Q Is the civil penalty sought in
2 this matter consistent with that guidance?

3 A It is.

4 MR. HILDES: Your Honor, I would
5 object again. I think that's within the
6 province of Your Honor, to determine whether
7 the penalty is reasonable, not a safety
8 inspector.

9 JUDGE GOODWIN: I'm going to
10 overrule the objection because as a part of
11 the investigative process, the investigator
12 typically makes a recommendation. I'm not
13 going to be bound--I'm bound by--the court is
14 bound, to some extent, by the recommendations
15 of the inspector and of the FAA, because it
16 brackets the parameters of the penalty that
17 the court can assess.

18 In other words, I cannot assess a
19 penalty outside of that. However, counsel
20 points out well that the specific penalty to
21 be assessed is within the discretion of the
22 court. Within that context, I'll allow a

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1 response.

2 MS. HUBER: Mr. Hawks, do you want
3 me to repeat the question?

4 THE WITNESS: No. The sanctions
5 sought are within the guidelines.

6 MS. HUBER: Thank you. I have no
7 further questions.

8 JUDGE GOODWIN: Counsel, you can
9 address the witness from there, or whatever is
10 convenient.

11 MR. HILDES: I always prefer to
12 come forward.

13 JUDGE GOODWIN: The only
14 admonition is you've got to stay near a mike.

15 MR. HILDES: Oh, sure. Sorry.

16 CROSS EXAMINATION

17 BY MR. HILDES:

18 Q So Mr. Hawks, am I correct that
19 you received a month and a half of training
20 before taking this job?

21 A No.

22 Q That was your previous testimony,

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1 was it not? A month and a half of training as
2 a safety inspector?

3 A You asked if I took, had a month
4 and a half training before I took the job, and
5 that's not correct. I took the job before I
6 had the month and a half of training.

7 Q You started on the job before the
8 training, or did the training start from the
9 moment you started the job?

10 A Do you want to define "took the
11 job"?

12 Q The first day you show up for work
13 at the FAA, when did the training in being a
14 safety inspector begin?

15 A It began about a month and a half
16 later.

17 Q A month and a half after you began
18 the job?

19 A After I reported for work; yes.

20 Q What did you do for that first
21 month and a half?

22 A Do you recall want to know?

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1 Q Yes.

2 A I had OJT. We had a lot of
3 specific things that we were supposed to do.
4 We spent a lot of time observing other
5 inspectors doing their job, and there were a
6 lot of assignments that we were issued, that
7 were specifically OJT, on-the-job training.

8 Q Okay. Prior--so you got a month
9 and a half of on-the-job training. You got a
10 month and a half of training after that. So
11 we're talking about a total of about 12 weeks?

12 A No. The OJT training did not
13 stop. The OJT continues. As a matter of
14 fact, the OJT is still continuing.

15 Q So you started the on-the-job
16 training before you had the orientation and
17 the training on what you were doing?

18 A Well, the training that I had
19 wasn't orientation. It was training.

20 Q And prior to that time, you were a
21 pilot for many years; is that correct?

22 A That's correct.

1 Q You never worked as a flight
2 attendant, did you?

3 A That's correct.

4 Q Never worked as a safety inspector
5 before that; correct?

6 A That's correct.

7 Q And you said that you get reports
8 into your office, on a regular basis, from
9 incidents that happened on aircraft; correct?

10 A Yes. Well, I don't know if it's a
11 regular basis, but when there is an incident,
12 that the Port of Seattle police investigate,
13 then they send that report to the Flight
14 Standards District Office where I work.

15 Q Now did you ever speak to the Port
16 of Seattle police about this incident?

17 A I did.

18 Q They didn't witness any portion of
19 it; correct?

20 A They didn't witness any portion of
21 it on flight, during the flight. But they did
22 witness a portion of it. They, for instance,

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1 witnessed the bruise on Leah Stevens' arm.

2 Q And you did not; correct? You've
3 never seen that bruise, in person?

4 A No. I never saw the bruise, in
5 person.

6 Q They don't describe the bruise in
7 the reports, do they? They describe her
8 saying she had a bruise; correct?

9 A They--yes, they did describe--
10 somebody described that there was a bruise in
11 the report.

12 Q But that somebody was the flight
13 attendant who had the bruise; correct?

14 A No. The bruise was visible. I
15 mean, it wasn't something that a police
16 officer has no problem identifying a bruise.

17 Q But the police officer doesn't
18 say--

19 JUDGE GOODWIN: Hold on.

20 MR. HILDES: I'm sorry, Your
21 Honor.

22 JUDGE GOODWIN: No. Just I'm

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1 doing this for purposes of the microphone.

2 MR. HILDES: I apologize.

3 JUDGE GOODWIN: Don't worry. I've
4 done enough cases where the court reporter has
5 yelled at me, so--

6 MR. HILDES: So have I, Your
7 Honor.

8 BY MR. HILDES:

9 Q It doesn't describe the bruise
10 anywhere in that report, does it? It
11 describes the flight attendant, Leah Stevens,
12 as saying she was--that she was given a, she
13 was inflicted a bruise; correct?

14 A The reason that I called and
15 talked to the police was because there was a
16 photograph taken of the bruise, and I wanted
17 to see if they had a copy of it that we could
18 have.

19 Q And you received copies; correct?

20 A We--he didn't know--I was not able
21 to get a copy that I was requesting.

22 Q So you never received verification

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1 if this bruise existed. You only have Ms.
2 Stevens' word for it and the police report?

3 A Basically, that's correct.

4 Q Now as a safety inspector, do you
5 investigate safety conditions for flight
6 attendants that don't involve passenger
7 action?

8 A I'm afraid I don't understand the
9 question.

10 Q Flight attendants get bruised,
11 don't they?

12 A That's speculation.

13 Q Flight attendants get thrown
14 around the plane a lot, don't they?

15 A I'm not sure I know what you're
16 asking me.

17 Q How many years did you work as a
18 pilot?

19 A Probably about 37, 38, something
20 like that.

21 Q And four airlines; is that
22 correct? Tower, Kiwi, Eastern, my personal

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1 favorite, and Delta.

2 A Yes.

3 Q So 37 years.

4 JUDGE GOODWIN: You have to say
5 yes or no.

6 THE WITNESS: I'm sorry?

7 JUDGE GOODWIN: You have to say--
8 when you say "uh-hmm"--

9 THE WITNESS: I'm sorry.

10 JUDGE GOODWIN: So you have to
11 say--respond yes or no.

12 THE WITNESS: Yes.

13 BY MR. HILDES:

14 Q And as I recall--I don't know much
15 about Kiwi or Tower, but Eastern, when it was
16 successful, was very safety-conscious, wasn't
17 it, as an airline? Extremely?

18 A Yes.

19 Q And reports were made when
20 turbulence, or--

21 MS. HUBER: Your Honor, I don't
22 see how this is relevant.

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1 JUDGE GOODWIN: Overruled.

2 MR. HILDES: Thank you.

3 BY MR. HILDES:

4 Q --or other conditions caused
5 flight attendants to injure themselves by
6 getting thrown into seats, bulkheads, or
7 walls; right? That would have--there would
8 have been a report on that?

9 A A report? No; not necessarily a
10 report on it. I mean, if somebody, if a
11 flight attendant just got bruised, or injured-
12 -when I say "injured," I mean if they, you
13 know, like had a cart run into them, or
14 something like that, I mean, they're not going
15 to fill out, necessarily fill out a report on
16 it.

17 Q Okay. How many reports do you
18 think you get in a year about incidents
19 involving passengers?

20 A I don't see them all because I
21 only get the ones that I'm assigned, and the
22 ones I've--that I've personally been assigned,

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1 I've had, I think, about six, about--probably
2 about every two months or so.

3 Q So you get--

4 A If you want to get an average.
5 But it doesn't mean anything.

6 Q And--so you get about one every
7 two months and--

8 A Well, it's hard to say. I mean,
9 I've had six.

10 Q You've had six.

11 A I mean, they could have come in,
12 you know, all in a row, or they could have
13 been spread out. I don't know how much they
14 were spaced out, but that's--

15 Q Over how long a period did those
16 six come in?

17 A Over a year and a half.

18 Q Over a year and a half. How many
19 of those involved JetBlue?

20 A None. This is the only one.

21 Q Oh. JetBlue only flies into
22 Seattle once a day; right? New York to--one

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1 "redeye" from New York to Seattle--

2 A Yes.

3 Q --and one flight from Seattle to
4 New York?

5 MS. HUBER: Objection. Relevance.

6 THE WITNESS: I'm not aware of
7 their schedule.

8 JUDGE GOODWIN: Overruled.

9 BY MR. HILDES:

10 Q And you've never worked in any
11 other office except this one; is that correct?

12 A That's correct.

13 Q When you were investigating this
14 incident, did you look at JetBlue's history of
15 incidents involving passengers at all?

16 A No; it was not relevant to me.

17 Q Wasn't relevant to you. So you
18 weren't aware that they've had a number of
19 incidents involving Muslim and South Asian
20 passengers over the past three or four years?

21 MS. HUBER: Objection. Relevance.

22 JUDGE GOODWIN: How is this

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1 relevant, counsel?

2 MR. HILDES: It goes to a pattern
3 on the part of the airline that goes to the
4 credibility of the flight attendants as to
5 what occurred, what didn't occur. Goes to the
6 credibility of the witnesses, Your Honor.

7 JUDGE GOODWIN: I'm going to allow
8 limited inquiry on that but I'm not going to
9 allow a trial on the conduct of any airline.

10 The question in the case is
11 whether regulations were violated.

12 MR. HILDES: Understood.

13 BY MR. HILDES:

14 Q Some of these incidents have made
15 a lot of media. Have you read articles about
16 incidents involving JetBlue?

17 A Not of--nothing anywhere close to
18 this; no. I mean, I've read articles, you
19 know, that contained JetBlue, but I mean, I
20 don't remember reading an article that
21 involved any kind of a incident with a
22 passenger.

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1 Q Incident where a passenger was
2 wearing a shirt that said "We will not be
3 silent" in Persian Arabic, was dragged off a
4 plane?

5 MS. HUBER: Objection. Relevance.

6 THE WITNESS: No.

7 JUDGE GOODWIN: Sustained.

8 THE WITNESS: I don't spend a lot
9 of time, you know--

10 JUDGE GOODWIN: To the witness,
11 when an objection by the other party is
12 raised, you should stop in midsentence, and
13 then wait until the court rules, and then
14 we'll tell you what to do next.

15 THE WITNESS: Yes, sir.

16 BY MR. HILDES:

17 Q Do you, when you read the reports,
18 look at the racial or ethnic information on
19 the alleged perpetrator in this case? The
20 Respondent?

21 A I don't remember the race being
22 referred to, particularly. I mean, I remember

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1 the incident, you know, was described as they
2 were coming from Pakistan. But I don't
3 remember anything about the race being
4 described in there.

5 Q You don't remember her being
6 described as Muslim?

7 A No. I have no interest in what
8 her race is.

9 Q Did you ask the flight attendants
10 if they did?

11 A I have no--I have no reason to.

12 Q What did you ask the flight
13 attendants?

14 A I asked them to tell me their
15 story of what happened.

16 Q Did you ask them any specific
17 questions?

18 A I asked--well, yes, I mean,
19 obviously, I asked specific questions, but I
20 don't remember, offhand, what my questions
21 were at the time. This was several months
22 ago.

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1 Q Did the information you had
2 include the fact that the passenger was
3 wheeled on to the plane in a wheelchair?

4 A I knew that she was--she had
5 wheelchair assistance, although--when she got
6 off of the airplane but not coming on to the
7 airplane. But I also know that there were
8 several reports from the flight attendants of
9 her walking up and down the aisle.

10 Q And you believed that those are
11 true because the flight attendants said so;
12 right?

13 A All three of them said the same
14 thing and--in their report, and I have no
15 reason to believe that they're lying.

16 Q Do you have any background in law
17 enforcement?

18 A No.

19 Q Do you have any background, other
20 than your training as a safety inspector, in
21 interviewing witnesses or investigating an
22 incident?

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1 A No.

2 Q And you never interviewed Ms.
3 Tahaira, did you?

4 A No. I don't believe I had a phone
5 number for her.

6 Q Did you ask for one?

7 A Well, it's either in the report or
8 not.

9 Q Oh. So if you don't see it in the
10 report, you don't ask for it?

11 A We sent her the letter.

12 Q You sent her a letter. She sent
13 you a letter back?

14 A Uh-huh.

15 JUDGE GOODWIN: You have to say
16 yes or no.

17 THE WITNESS: Yes. I'm sorry.

18 BY MR. HILDES:

19 Q Did it ever occur to you that she
20 might not be able to read the letter?

21 A What do you mean by--

22 A There was a whole discussion in

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1 the flight attendants' statements about her
2 proficiency in English. You were just asked
3 about whether that was a criteria.

4 A I did read the letter, though.

5 Q When you sent her a letter, did
6 you make any attempt to determine whether or
7 not she could understand the letter you sent
8 her?

9 A No. I don't have--I have no idea,
10 what her language is. If I did, I wouldn't be
11 able to converse in it anyway.

12 Q I'm going to read to you from
13 Exhibit 6. Second paragraph.

14 "Officer Beam contacted and
15 interviewed Tahaira. There was an obvious
16 language barrier."

17 Did you attempt to have the letter
18 written to her, in a language that she could
19 understand?

20 A No. But obviously she did,
21 because she responded to it.

22 Q You don't know how she responded,

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1 though, do you? You only know that you got a
2 letter back.

3 A Right. But it shows that she read
4 and understood the letter, or someone read and
5 under--read it to her.

6 Q And if she had not responded,
7 because she couldn't understand the letter and
8 no one could translate it to her, nothing from
9 her side would have been taken into
10 consideration. You would have believed the
11 flight attendants, because you had no reason
12 not to, and that would have been your finding.

13 MS. HUBER: Objection. Compound.
14 Calls for speculation.

15 JUDGE GOODWIN: Well, is there a
16 question in there, counsel?

17 MR. HILDES: All right.

18 BY MR. HILDES:

19 Q So you made no allowance for this,
20 you just assumed she could understand it, even
21 though the report said there was a language
22 barrier and you got a very short response from

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1 her. So therefore, you figured you had what
2 you needed.

3 A I didn't assume anything. I did
4 the only thing--I did what I'm supposed to do,
5 and I wrote her a letter, advising her that
6 this incident was under investigation. I
7 didn't assume that she could or couldn't do
8 anything.

9 Q Did you attempt to interview any
10 passengers from the flight?

11 A No.

12 Q So the only word you have for what
13 happened, that you believed, was what the
14 three flight attendants on the flight said,
15 and you had no reason to disbelieve them?

16 A That's basically true; yes.

17 Q And that's what you made your
18 determination based on?

19 A Yes, and it's also on the fact
20 that I've spent many years, you know, as a
21 pilot, dealing with flight attendants and
22 passengers, and I felt a high degree of

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1 confidence that what I was hearing was
2 correct.

3 Q So because you spent many years as
4 a pilot working with flight attendants, you
5 assume that what the flight attendants told
6 you was true, a high degree of confidence, and
7 what the passenger told you wasn't. Cause the
8 two things couldn't both be true, could they?

9 A Well, that's correct; yes.

10 Q By the way, she's identified in
11 this police report as "Muslim" once, twice,
12 and she's identified as having difficulty
13 speaking English in almost every paragraph,
14 including twice, where the police tried to
15 interview her and tried to Mirandize her and
16 couldn't, because she couldn't understand
17 them.

18 A I know that. That's why she
19 couldn't sit in the emergency exit row.

20 Q Then how do you know that she
21 understood all the instructions she was given,
22 if the police couldn't even Mirandize her and

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1 have her understand her rights?

2 A Because she had the--there was a
3 passenger on board who was acting as an
4 interpreter for her. And also the--I can't
5 remember the exact question, but one of the
6 flight attendants asked her a question in
7 English and Ms. Tahaira responded in English.

8 Q So therefore, if someone spoke to
9 you and gave you instructions in Urdu, and you
10 understood and could answer one sentence,
11 would that mean you were fluent in Urdu?

12 A I never said she was fluent.

13 Q And how do you know that this
14 woman spoke the same language she did, other
15 than because the flight attendant said so?

16 A It's irrelevant.

17 Q It's irrelevant whether they spoke
18 the language?

19 A No; it's irrelevant to what I do.
20 What I do is send a letter of investigation in
21 English, because that's the only language that
22 I have.

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1 Q But you're presuming she
2 understood all the instructions she was given
3 because she responded to one of however many
4 questions--

5 A No.

6 Q --in English, and because some
7 passenger supposedly interpreted for her?

8 A No. I didn't presume that. I
9 presumed that she more than likely had
10 relatives here that she was going to be
11 staying with, and that more than likely, since
12 they live in the United States, that there
13 would be a way that she would be able to have
14 this letter translated to her, if, in fact,
15 she couldn't read it.

16 Q More than likely. But did she
17 have relatives on the plane?

18 A I don't--no; not that I know of.

19 Q Did she know anyone on this
20 flight, to your knowledge?

21 A I don't know.

22 Q And the only word that you have--

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1 and you don't know that this passenger, who is
2 supposedly translating for her, understood
3 English either, do you?

4 A Well, she was--

5 MS. HUBER: Objection. Asked and
6 answered.

7 JUDGE GOODWIN: Overruled.

8 MR. HILDES: You may answer the
9 question.

10 THE WITNESS: She was
11 communicating with the flight attendants in
12 English.

13 BY MR. HILDES:

14 Q So you know that this passenger
15 spoke some degree of English?

16 A Yes.

17 Q Do you know whether or not this
18 passenger spoke Urdu?

19 A I don't--

20 Q You don't, do you?

21 A Except that she was translating--
22 the flight attendants were--are--were telling

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1 me that this person was acting as a
2 translator. She can't act as a translator if
3 she doesn't speak the same language as the
4 other person.

5 Q She can't do it accurately, right?

6 A But you don't know whether or not
7 the person was attempting to speak a language
8 she didn't speak, to try and help?

9 A What you're saying has nothing to
10 do with what I do.

11 Q I'm asking you about what you
12 investigated; not your letter. I am asking
13 you about what you investigated.

14 The first of the charges, that you
15 recommended, was that she disobeyed orders
16 from a flight attendant. Would you agree that
17 to disobey orders from a flight attendant, you
18 have to understand them?

19 A It's my opinion that she did
20 understand what she was being told.

21 Q But you've never spoken with her
22 in your life.

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1 A I know that.

2 Q So your opinion is based on what
3 the flight attendant said.

4 MS. HUBER: Objection.
5 Argumentative.

6 JUDGE GOODWIN: Sustained to the
7 extent that it's argumentative. I think the
8 point's been made, counsel.

9 BY MR. HILDES:

10 Q Do you have any basis for knowing
11 that--for stating that she--that you believed
12 she understood the directions and orders that
13 she was given, except that the flight
14 attendants told you she did?

15 A I believe that she was removed
16 from those emergency exit row seats about five
17 times. I think that somewhere in that
18 process, she would get the idea that she
19 wasn't supposed to sit in those seats.

20 Q You think that somewhere she would
21 get that idea?

22 A It seemed to me, it'd be pretty

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1 clear to a reasonable person, if the flight
2 attendants keep removing you from a seat, or
3 a series of seats, that they don't want you to
4 be sitting there.

5 Q But that's based on--you have 37
6 years as a pilot, and a year and a half as a
7 safety inspector. Any reason to think that
8 Ms. Tahaira has any of that experience?

9 A It doesn't make any difference.

10 Q And it doesn't make any difference
11 whether or not she spoke English. You're
12 supposed to understand, and you think she
13 should understand. That doesn't mean she did
14 understand, does it?

15 A I believe that she did.

16 Q You--but you've never spoken with
17 her.

18 A No. But I talked to the flight
19 attendants who talked--

20 Q But you never asked her whether or
21 not she understood. You believe--

22 MS. HUBER: Objection. Asked and

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1 answered.

2 MR. HILDES: --it because the
3 flight attendants told you.

4 JUDGE GOODWIN: Sustained. Asked
5 and answered.

6 BY MR. HILDES:

7 Q How many of these six incidents
8 have you found--have you not recommended for
9 a proceeding? Have you not forwarded?

10 MS. HUBER: Objection. Relevance.

11 MR. HILDES: Oh, I think that's
12 highly relevant. It goes to bias.

13 JUDGE GOODWIN: I'll allow the
14 question. Overruled.

15 THE WITNESS: Four.

16 BY MR. HILDES:

17 Q You've not forwarded four?

18 A No. I have to forward them. I
19 don't have a choice of whether I forward them.
20 But what I--you asked me what I recommended.

21 Q Yes.

22 A And what I--and of the six, four

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1 of those I recommended administrative action.
2 I didn't recommend any kind of civil penalties
3 On two of them, I have recommended civil
4 penalties, this being one of the two.

5 Q So two of them, you recommended
6 civil penalties. All four of the others, you
7 recommended further action?

8 A I have to. it's not my decision.
9 I do the investigation. I send my findings up
10 to the regional counsel, and they make the
11 decision on what is going to be done.

12 Q How many of those six were brought
13 to civil penalty?

14 A Well, like I said, this is the
15 only one of the two, and the other one, I
16 believe, I'm not positive, but I believe the
17 person was a welfare mother that had no money,
18 and she wound up not paying a civil penalty,
19 even though one was recommended.

20 Q You know what Ms. Tahaira's income
21 is?

22 A My--no.

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1 Q \$339.00 a month, welfare. So what
2 did you do with the other four?

3 A I told you. I sent them up to the
4 regional office with the results of my
5 investigation.

6 Q Which were?

7 A They're all different things. I
8 mean, ask me a specific question. I mean,
9 which were? You're talking about all four of
10 them?

11 Q Yes; describe them.

12 MS. HUBER: Objection. Relevance.

13 MR. HILDES: Goes to bias.

14 JUDGE GOODWIN: Well, we've
15 established that there were six
16 investigations. That two went forward with
17 recommendations for civil penalty. Did the
18 other four go with recommendations not for
19 civil penalty?

20 THE WITNESS: The best of my
21 memory, Your Honor. I mean, I don't
22 necessarily know what they do with them. In

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1 other words, I do my investigation. My only--
2 my concern is if there is a regulation that
3 has been broken, then I'm obligated to pursue
4 that. And so that's what I do. I investigate
5 the situation, and then I send the results of
6 my investigation to the regional counsel, and
7 then they make the decision on what's going to
8 be done about it. It's never my decision,
9 what's done about it.

10 I just give them the information
11 from my investigation.

12 JUDGE GOODWIN: Counsel.

13 MR. HILDES: Okay.

14 BY MR. HILDES:

15 Q Without any law enforcement
16 training, or training as an investigator,
17 other than what you got on this job?

18 A I have a lot of resources
19 available to me. If I come into something
20 that I'm not familiar with, there are many--
21 there are probably hundreds of years of
22 experience in my office, that I can go to, and

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1 I have gone to frequently, to get their
2 information, in other words, to get the value
3 of their experience and do an investigation.

4 Q Did you do that in this case?

5 A Yes.

6 Q Who did you talk to in this case?

7 A I talked to several people. I
8 talked to my supervisor, and I talked to a
9 couple of other--of the other inspectors.

10 Q What did you ask them?

11 A I described the situation to them,
12 and just asked their opinion about it.

13 Q What was their--were there
14 opinions unanimous on this?

15 A Pretty much in agreement. I mean,
16 when somebody's violated a regulation, you
17 don't have any choice but to pursue it. You
18 don't have a choice. i can't say, well, I'm
19 not going to--I'm not going to pursue this
20 regulation--I mean the violation of this
21 regulation. It's not my--I don't have a
22 choice in doing that.

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1 Q And you had no reason not to
2 believe the flight attendant because of your
3 37 years as a--

4 A There's no doubt in my mind, that
5 Ms. Tahaira violated Federal Aviation
6 Administration regulations, and her conduct
7 was completely out of line and should not be
8 tolerated.

9 Q Totally based on what the flight
10 attendants told you happened?

11 A That's correct.

12 Q Because you have no independent
13 knowledge, and you never spoke to her?

14 A That's correct.

15 Q Did it occur to you that she might
16 not have been able to inflict this bruise?

17 A That is--that's a matter of
18 opinion on your part as well as mine. There's
19 no doubt in my mind, that she could have
20 inflicted a bruise.

21 Q Do you have any medical training?

22 A No.

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1 Q Do you have any training in use of
2 force?

3 A No.

4 Q How far down the aisle did she
5 supposedly go to inflict this bruise?

6 A She walked about 50 feet to--and
7 took Mrs.--and took Leah Stevens' arm, and
8 tried to pull her up the aisle, to show her
9 where other people were laying in seats--lying
10 in seats, you know, three abreast.

11 Q She--and the plane was at flight
12 speed, correct?

13 A Yes.

14 Q Somewhere around 500 miles an
15 hour?

16 JUDGE GOODWIN: You have to say
17 yes or no.

18 THE WITNESS: Yes.

19 MR. HILDES: Somewhere around 500
20 miles an hour; right?

21 THE WITNESS: That would be about
22 right.

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1 BY MR. HILDES:

2 Q Do you know if there was any
3 turbulence?

4 A Not that I know of. No one has
5 talked of turbulence.

6 Q Did you ask?

7 A There will be other witnesses,
8 after me, that will be able to answer that
9 question.

10 Q Did you ask?

11 MS. HUBER: Objection. Relevance.

12 THE WITNESS: It's not relevant.

13 MR. HILDES: It goes to the
14 plausibility of the story--

15 JUDGE GOODWIN: Well, there's an
16 objection pending. I'm going to overrule it
17 but let's not get too far afield.

18 MR. HILDES: Do you know at what
19 speed she walked that 50 feet, to try to drag
20 a flight attendant up the aisle?

21 THE WITNESS: Do you want it in
22 miles per hour? Or what?

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1 MR. HILDES: I'll take run, walk,
2 trot--any general description.

3 THE WITNESS: I read the same
4 report you did. As far as I know she--it says
5 that she walked 50 feet and took her arm. I
6 have no idea, what speed she walked.

7 BY MR. HILDES:

8 Q And you're assuming that a woman
9 who was put on the plane in a wheelchair and
10 taken off the plane in a wheelchair, could
11 walk 50 feet, at flight speed, and grab
12 someone's arm?

13 A I don't see what flight speed has
14 to do with it, because to the person in the
15 airplane, the airplane could be sitting on the
16 ground, still, and it would be the same 50
17 feet.

18 Q That's because you don't have a
19 disability, making it hard for you to walk,
20 isn't it?

21 A But the speed of the aircraft has
22 nothing to do with that.

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1 Q Has to do with the motion of the
2 plane, doesn't it? You're moving backwards.
3 The plane is moving forwards.

4 A No; not at all.

5 MS. HUBER: Objection. Relevance.

6 THE WITNESS: Not at all.

7 JUDGE GOODWIN: It's argument.
8 Sustained.

9 MR. HILDES: Okay. If I may just
10 have a moment, Your Honor.

11 Nothing further.

12 JUDGE GOODWIN: Hold on. She
13 needs to change a tape.

14 MR. HILDES: I have nothing
15 further of this witness.

16 JUDGE GOODWIN: You can have
17 redirect, counsel.

18 MS. HUBER: Very brief, Your
19 Honor.

20 REDIRECT EXAMINATION

21 BY MS. HUBER:

22 Q Mr. Hawks, Mr. Hildes had you talk

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1 about other, the six other cases that you had
2 considered, two of which you forwarded, four
3 of which you did not. What did you do with
4 the other four?

5 A I just sent them up to the region
6 with my report, for them to make a decision.

7 Q Why did you recommend forwarding
8 this case for legal enforcement action, rather
9 than those other cases? Was there something
10 about this case that made it more worthy of
11 legal enforcement action, in your opinion?

12 A Yes. Well, the assault had a lot
13 to do with it, and also because of the fact
14 that Ms. Tahaira was several times given other
15 options, and she chose not to take those other
16 options. In other words, the flight attendant
17 showed her to other seats that she could sit
18 in, and she continued to want to sit in the
19 emergency exit row.

20 And she ignored the directions of
21 the flight attendants, and I believe, based on
22 the reports of the flight attendants, that she

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1 tapped Leah Stevens on the face, at least
2 three times in the process of the altercation,
3 and I believe that she grabbed her by the
4 wrist, and tried to pull her up the aisle, as
5 they said, to show them, the flight
6 attendants, where other people were lying in
7 seats that were empty, three abreast, and so
8 I felt like that this was "over the top," you
9 might say.

10 In other words, this was well past
11 the point that it could be overlooked, because
12 it was too physical and too repetitive.

13 MS. HUBER: Thank you. I have no
14 further questions, Your Honor.

15 MR. HILDES: I just have a couple,
16 Your Honor.

17 JUDGE GOODWIN: Solely based on
18 the questions that were propounded by--

19 MR. HILDES: Yes. Absolutely
20 based on redirect.

21 RE CROSS EXAMINATION

22 BY MR. HILDES:

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1 Q Do you have any reason to believe
2 she understood these other options?

3 A Yes. I do.

4 Q Because the flight attendants told
5 you so?

6 A There's more than that.

7 Q Have you tested her proficiency in
8 English?

9 MS. HUBER: Objection.

10 JUDGE GOODWIN: Asked and
11 answered. Sustained.

12 BY MR. HILDES:

13 Q Do you have any personal knowledge
14 that she understood them, by asking her?

15 A No.

16 MS. HUBER: Objection.

17 MR. HILDES: You only have the
18 flight attendants who don't speak her
19 language, word, for what she understood?

20 MS. HUBER: Objection.

21 JUDGE GOODWIN: Overruled.

22 THE WITNESS: That's correct.

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1 BY MR. HILDES:

2 Q Do you know why she wasn't allowed
3 to lie down in the rows, in a row, similar to
4 what other passengers were doing?

5 A Yes. Well, I know why she wasn't-
6 -she was allowed to lie down in other rows
7 that were vacant, but she was not allowed to
8 lie down in those rows.

9 Q So she could have--she was allowed
10 to lie down in a row that was vacant, other
11 than the emergency exit row?

12 A Absolutely.

13 Q Why didn't she, to your knowledge?

14 A That's exactly why we're here.

15 Q Do you know any other reason why
16 she wanted to return to the emergency exit
17 row?

18 A Any reason other than what?

19 Q Other than wanting to lie down or
20 sit down there.

21 A You mean--are you asking me why
22 she wanted to lie in those specific seats?

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1 Q No. I'm asking you why she wanted
2 to go to those specific seats.

3 A She wanted to lie down.

4 Q How do you know that?

5 MS. HUBER: Objection. This is
6 way beyond the scope of redirect.

7 JUDGE GOODWIN: Sustained. It's
8 well beyond the scope of redirect.

9 BY MR. HILDES:

10 Q Did any--do you know if any of the
11 discussion with the flight attendants involved
12 the fact that she wanted to get her heart
13 medicine from that seat?

14 A Her heart medicine was not in the
15 emergency exit rows.

16 Q How do you know that? It's not in
17 the report.

18 MS. HUBER: Objection. It's
19 beyond the scope of the redirect.

20 JUDGE GOODWIN: It's beyond the
21 scope, counsel. Sustained.

22 BY MR. HILDES:

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1 Q So when you say, on redirect, that
2 she was given other options, did any of those
3 options involve getting her medication?

4 A We weren't talking about
5 medication. We were talking about lying down.

6 Q You were talking about lying down.
7 I'm--and you said that she was given other
8 options of other rows, but she kept wanting to
9 return to that row. Was to get--how do you
10 know it wasn't just to get her medication?

11 A She got out of her seat to go to
12 the emergency exit row. That doesn't make any
13 sense. You're saying that she got on the
14 airplane, went and took her medicine, put it
15 back in the emergency exit rows and then went
16 to another seat and sat down?

17 Q No.

18 A Well, it doesn't make any sense.

19 Q No. What I'm saying, and I'm
20 asking you about, is she went to her seat, she
21 saw the emergency exit row vacant, she has to
22 have her medication with her, so when she

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1 moved seats she took her medication with her.

2 MS. HUBER: Objection. Beyond the
3 scope of redirect.

4 JUDGE GOODWIN: It's beyond the
5 scope, and it's argumentative. Sustained.

6 BY MR. HILDES:

7 Q So you don't know whether she had
8 another reason for wanting to go back to row
9 eleven, do you?

10 MS. HUBER: Objection.

11 JUDGE GOODWIN: It's asked and
12 answered. Sustained.

13 BY MR. HILDES:

14 Q Is there a safety issue with not
15 having a passenger in the emergency exit row?

16 A No.

17 Q That's not a safety issue?

18 A That's correct.

19 Q Who opens the door if there's no
20 one in the row?

21 A The flight attendants will take
22 care of who opens the door.

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1 Q So the flight attendants will
2 designate someone to do it?

3 A They'll either do it or have
4 someone do it. That's a pretty--people go out
5 of their way to sit in the emergency exit rows
6 because there's more leg room. I've never
7 seen an airplane that didn't have--where there
8 weren't people sitting in the emergency exit
9 rows.

10 Q Except this one.

11 A This--that was one row.

12 Q Do you know why Ms. Tahaira was
13 taken off the plane in a wheelchair?

14 MS. HUBER: Objection.

15 JUDGE GOODWIN: Sustained; beyond
16 the scope.

17 MR. HILDES: Nothing further, Your
18 Honor.

19 MS. HUBER: We ask that Mr. Hawks
20 be excused to serve as a technical
21 representative.

22 MR. HILDES: I'm sorry?

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1 JUDGE GOODWIN: Mr. Hawks, you're
2 excused. You're instructed not to discuss
3 your testimony with anybody prior to
4 conclusion of the hearing.

5 Counsel, the court, as a matter of
6 course, allows the FAA to have one technical
7 witness present at counsel's table. So he'll
8 be allowed to remain in the courtroom, but
9 while he may be subject to recall, typically
10 he's not subject to rebuttal.

11 MR. HILDES: Okay.

12 JUDGE GOODWIN: But it's for the
13 same reason that you are. We're going to take
14 a break now until 1:30. We'll go off the
15 record and we'll reconvene at 1:30. We're off
16 the record.

17 [Whereupon at 12:00 noon, a
18 luncheon recess was taken, the hearing to
19 reconvene at 1:30 p.m., the same day.]

A F T E R N O O N S E S S I O N

[1:45 p.m.]

JUDGE GOODWIN: Let's go back on the record. Will the witness stand, and raise your right hand, please.

WHEREUPON,

MICHAEL C. BURKE

was called for examination by Counsel for the Complainant and, having first been duly sworn, assumed the witness stand, was examined and testified as follows:

JUDGE GOODWIN: Please be seated. State your full name for the record and spell your first and last name.

THE WITNESS: Michael Christian Burke. M-i-c-h-a-e-l. B-u-r-k-e.

JUDGE GOODWIN: Counsel.

MR. HILDES: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. HUBER:

Q Mr. Burke, where are you employed?

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1 A I'm employed with JetBlue.

2 Q And what is your position?

3 A I'm a first officer.

4 Q How long have you been employed at
5 JetBlue?

6 A Two years and four months.

7 Q And how long have you been a
8 pilot?

9 A I've been in the passenger-
10 carrying business for 12 years, and 10 years
11 prior to that in the cargo business.

12 MR. HILDES: I'm sorry. I'm
13 having trouble hearing the witness, Your
14 Honor.

15 JUDGE GOODWIN: Would you repeat
16 your answer, please.

17 THE WITNESS: I've been in the
18 passenger-carrying business for the last 12
19 years, and 10 years prior to that I was in the
20 cargo business.

21 MR. HILDES: And how long have you
22 had--

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1 MR. HILDES: Your Honor, I still
2 can't understand the end of that answer.

3 JUDGE GOODWIN: You said "cargo"?

4 THE WITNESS: I'm sorry. I have
5 been a pilot since 1987, when I originated my
6 commercial license, and then after that I've
7 flown in the cargo business for 10 years, and
8 then after that I flew in the passenger
9 business for the last 12 years.

10 MR. HILDES: Thank you.

11 BY MS. HUBER:

12 Q And what certificates do you hold?

13 A I have a airline transport
14 certificate, the highest rating, on the
15 commercial airline.

16 Q Thank you. Mr. Burke, were you
17 employed as a pilot for JetBlue on November 8,
18 2008?

19 A Yes. I was.

20 Q Were you working on Flight 83 from
21 JFK to Seattle on the evening of November 8th?

22 A Yes. I was.

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1 Q What were your duties that day?

2 A My duties. I was employed as a
3 first officer in support of the captain on
4 that flight.

5 Q And how many crew members are in
6 the cockpit?

7 A There's a captain, myself, and
8 three flight attendants in the cabin.

9 Q Okay. During the flight, did you
10 become aware of any issues with passengers?

11 A Yes. I was informed by the number
12 one, the flight attendant in charge of the
13 three, that they had a disturbance with a
14 passenger in the cabin.

15 Q Okay. What did you learn?

16 A That they were--

17 MR. HILDES: Your Honor, I'm going
18 to object to this as hearsay. It's not what
19 he observed. It's what he learned from being
20 told by the lead flight attendant.

21 MS. HUBER: Your Honor, this is
22 background.

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1 MR. HILDES: Who is here to
2 testify.

3 JUDGE GOODWIN: I'm sorry, Ms.
4 Huber?

5 MS. HUBER: I'm sorry, sir. This
6 is background.

7 JUDGE GOODWIN: All right. To
8 that extent, I'm going to allow it. Objection
9 overruled.

10 BY MS. HUBER:

11 Q Mr. Burke, what did you learn?

12 A I was notified by the number one
13 flight attendant, that we had a passenger that
14 was being difficult about taking a seat that
15 they weren't assigned, and trying to lay down
16 in the exit row, and--

17 MR. HILDES: Your Honor, I'm going
18 to object again. This is not background.
19 This goes as to the fundamental issues of this
20 case, and it's still hearsay, because she's
21 here to testify and she can testify as to what
22 she observed and what she said.

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1 JUDGE GOODWIN: I understand that.
2 Objection overruled. I'll allow some
3 latitude, preliminarily, but I don't want to
4 go too far afield, Ms. Huber.

5 MS. HUBER: Yes, sir.

6 BY MS. HUBER:

7 Q So Mr. Burke, you were testifying
8 that the number one flight attendant called
9 the flight deck. What did you learn?

10 A Using the interphone, she called
11 the flight deck and informed us that she was
12 having these difficulties, which is part of
13 her job that she's supposed to do, to inform
14 us of any kind of disturbance that's in the
15 cabin area. We then asked her to keep us
16 informed. She continued to, throughout the
17 flight, contact us additional times, and then
18 later, she came up into the cabin and she
19 spoke more, at length, about it.

20 Q Did this distract you from your
21 normal duties?

22 A Well, the first, obviously, the

1 first contact, we always have to consider, if
2 there's any disturbance in the cabin, of what
3 possibly that might be. So yes, it was a
4 distraction in that way. Normally, we don't
5 have numerous contacts from a flight attendant
6 on these type of deals. It usually gets
7 resolved quite quickly.

8 But it continued. So yes, there
9 was distraction during that flight.

10 Q How did you respond to the calls
11 from the flight attendants?

12 A We asked them what was exactly, in
13 their opinion, what they could do to help,
14 what we could do to help them, and they said
15 that they were having some difficulties having
16 her continually to go into the emergency exit
17 row which she was not qualified to go into.

18 We then suggested, after numerous
19 attempts to get her to move, to then turn the
20 cushions, the seat cushions that you would sit
21 on, upside down, and that way, make it more
22 difficult and obvious that she was not to be

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1 in that, those seats there.

2 Q Okay. Did you become aware of any
3 further contacts between Ms. Stevens and the
4 passenger?

5 A Later in the flight, as things
6 started getting towards the Seattle area, she
7 came up and said that she had been grabbed by
8 her on the arm, by the person that she was
9 having some difficulties with, and she showed
10 me her arm and it had redness on it.

11 Q Okay.

12 JUDGE GOODWIN: Who was she? You
13 said--

14 THE WITNESS: The flight attendant
15 number one. Leah.

16 BY MS. HUBER:

17 Q What's her name?

18 A Leah.

19 Q Okay. Can you describe what you
20 saw?

21 A I seen a redness developing in the
22 wrist area, as if somebody was forced--grabbed

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1 ahold of her arm.

2 MR. HILDES: Your Honor, I'm going
3 to object to the characterization of someone
4 grabbed her arm. Unless he has medical
5 expertise or investigative expertise, he's not
6 qualified to make that conclusion.

7 JUDGE GOODWIN: Ms. Huber, do you
8 wish to be heard?

9 MS. HUBER: I think that a
10 witness, a person, in the normal course of
11 experience, can describe what they've seen and
12 the appearance of what they've seen.

13 JUDGE GOODWIN: I'm going to
14 overrule to the extent, although the last--the
15 last portion was characterization. The fact
16 that there was redness on her wrist will be
17 allowed, but as to what caused the redness,
18 I'll disregard that. Again it goes to weight.

19 BY MS. HUBER:

20 Q Mr. Burke, did you have occasion
21 to see Ms. Stevens' arm again after the
22 flight?

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1 A I did. About a week and a half
2 later, when I was commuting home. She was
3 working that flight and I was deadheading
4 home, and I seen her wrist again.

5 Q What did it look like then?

6 A It looked yellowish-brown as
7 though it was in a process of healing. But it
8 still had marks on it.

9 MS. HUBER: Thank you. I have no
10 further questions.

11 MR. HILDES: Okay. I just have a
12 few.

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14 BY MR. HILDES:

15 Q Mr. Burke, am I correct? you never
16 had any actual interaction with this
17 passenger?

18 A I physically seen a passenger at
19 the gate there in Seattle when we arrived.

20 Q You saw her at the gate? You
21 never saw her on the plane?

22 A No. I believe I did not see her

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1 on the plane.

2 Q And you never actually saw any of
3 this incident. You just had it described to
4 you by the flight attendant; correct?

5 A Yes; that is correct.

6 Q So you have no actual personal
7 knowledge of what happened?

8 A The personal knowledge I have is
9 what I communicated to you about the flight
10 attendant telling me what has happened.

11 Q So if what she told you wasn't
12 truthful, you'd have no way of knowing that;
13 correct?

14 A That's correct.

15 Q Did Flight Attendant Leah, as you
16 described her, mention whether or not the
17 passenger had proficiency in English?

18 A I remember her saying that she was
19 having difficulties explaining, and that they
20 had an additional person back there, that was
21 doing some translating, or someone that spoke
22 the same language. I remember some--some

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1 conversation about that.

2 Q So some passenger, who the flight
3 attendant believed spoke the same language,
4 was translating for them?

5 A I don't know that cause I was not
6 back there; but that's what I understood.

7 Q So do you know at what point that
8 passenger got involved in the incident?

9 A No--

10 MS. HUBER: Objection.

11 THE WITNESS: I do not.

12 MS. HUBER: it's beyond the scope
13 of direct.

14 THE WITNESS: No. I do not.

15 JUDGE GOODWIN: Well, I'll allow
16 some limited, because it is an administrative
17 hearing.

18 MR. HILDES: Yes. And it's
19 initial cross.

20 BY MR. HILDES:

21 Q Do you have any training, as an
22 employee of JetBlue, in bias and sensitivity?

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1 A As in for the--

2 Q As in for racial--

3 A Could you describe that more.

4 Q As in for racial bias, to make
5 sure that you or other employees of JetBlue
6 don't exhibit racial bias, or ethnic bias, or
7 religious bias towards a passenger?

8 A Yes. We have that in our flight
9 training, that when we go down to the
10 headquarters in Orlando, we do training on
11 sensitivity to other employees, yes, and
12 customers.

13 Q How much training?

14 A As an hourly, daily? Or what
15 would you--

16 Q How many hours?

17 A It'd be difficult to measure that
18 but I would say that there are--there's at
19 least a four hour session when we sit in
20 there, we talk about different sensitivities.
21 It goes along with some other things that are
22 like sexual harassment, things like that. So

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1 the company covers those things.

2 Q When did you get that training?

3 A I got it initial hire, so that
4 would be January 31st. Two--about two and a
5 half years ago; yes.

6 Q About two and a half years ago.
7 That's when you hired on to JetBlue?

8 A Yes. That's correct.

9 Q And any refresher since then?

10 A Of that training? No. The
11 initial was probably the--we go into training
12 every year, and additional for flight
13 training. But I don't believe that we cover
14 that; no.

15 Q Okay. So it's about four hours
16 when you're hired on. Now is JetBlue union?

17 MS. HUBER: Objection. Relevance.

18 MR. HILDES: I think the next
19 question will make clear why this is relevant,
20 Your Honor.

21 JUDGE GOODWIN: I'll allow it at
22 this point. Overruled.

1 THE WITNESS: I'm sorry.

2 MR. HILDES: Is JetBlue a union
3 shop?

4 THE WITNESS: No; not that I know
5 of.

6 BY MR. HILDES:

7 Q So you don't have a union that
8 would give additional bias training, or
9 sensitivity training to you?

10 A We have in-house committees that
11 deal with that. We really don't need a union.

12 Q Okay. And you haven't had that
13 training since you came on. Do you have
14 medical training in recognizing the cause of
15 injuries?

16 A With JetBlue, do I have any
17 medical training?

18 Q In any capacity. If you see a
19 bruise, do you have medical training that can
20 tell you what caused that bruise?

21 A No.

22 Q Now flight attendants get bruised,

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1 don't they?

2 A Yes. I believe they--they have
3 been bruised before.

4 Q From causes other than being
5 grabbed by a passenger; right?

6 A Yes.

7 Q You hit turbulence, people bang
8 their wrists, they bang their hips, so on;
9 right?

10 A Yes.

11 Q And there are even injuries caused
12 by that; right? Actual medical injuries that
13 require treatment?

14 A I have not had any on my flights;
15 but yes.

16 Q It's one of the hazards of being a
17 flight attendant, isn't it?

18 A I suppose so.

19 Q And you're aware of how this
20 passenger--did you ever get a name on this
21 passenger, by the way?

22 A Normally, we don't have--there's a

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1 sheet they fill out, if it's a medical
2 emergency, and then the name and all the data
3 would come up on that. It never went to that
4 extent where we needed that. Or did we
5 request it at that point.

6 Q Okay. So Leah never received any
7 medical treatment of any kind? To your
8 knowledge.

9 A I believe, when we did--we had to
10 contact company about the disturbance, and I
11 believe the company then took care of any kind
12 of things that were needed at the gate, so--
13 they would get it. Blue Security was
14 contacted, that's our internal security, and
15 the group that takes care of that, and if they
16 called Medical, then they would have. I know
17 they did call Security, though.

18 Q Is that who contacted the Port of
19 Seattle police?

20 A I believe so; yes.

21 Q Did you say internal security for
22 the airline?

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1 A We have a normal security. We
2 have a security system inside our airline;
3 yes.

4 Q Okay. What does that consist of?

5 MS. HUBER: Objection. Relevance.

6 JUDGE GOODWIN: One of the things
7 I'm concerned about is if we're going to get
8 into areas of airline security, I'm going to
9 seal that portion of the record.

10 MR. HILDES: I don't--yes--and
11 that's fine, Your Honor.

12 JUDGE GOODWIN: I don't think
13 you're trying to go that way, but my rule of
14 thumb is--and you'll see this in my cases--if
15 we get into any issues of security, what I'll
16 do is go off the record, reconvene in closed
17 session. We'll segregate that portion of the
18 testimony.

19 And again, the reason is
20 everything goes on the Internet.

21 MR. HILDES: Sure; absolutely
22 understood.

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1 JUDGE GOODWIN: So if you're going
2 to ask what I think is the next question, what
3 I'd like you to do is talk to Ms. Huber, and
4 see if Ms. Huber--if the next logical question
5 is asked, is that an area of airline security
6 for which we should seal the record, or--I
7 don't want the "barn door" to get opened
8 before we realize that we've opened it.

9 MS. HUBER: Yes, sir. I don't
10 know what Mr. Hildes' next question might be,
11 but this whole line of inquiry appears to me
12 to be irrelevant to the issues.

13 JUDGE GOODWIN: The court is aware
14 that most airlines have their own internal
15 security people, and it's for--whatever. But
16 as to the methodologies and the techniques,
17 that's what I'm concerned with.

18 MR. HILDES: Other than--

19 JUDGE GOODWIN: Well, pose the
20 question and we'll see where we are.

21 MR. HILDES: Okay. Do you know if
22 internal security did an independent

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1 investigation of this incident?

2 THE WITNESS: No.

3 BY MR. HILDES:

4 Q You don't know whether they did or
5 not? Or no, they didn't?

6 A I would not know. My duties don't
7 fall within that information.

8 Q Were you interviewed by internal
9 security?

10 A No.

11 Q Do you know if flight attendants
12 were interviewed by internal security?

13 A I have not asked them.

14 Q Did anyone from the flight deck
15 ever go back to see what was going on?

16 A For security reasons, we are
17 unable to go back.

18 Q Okay. If there's an emergency
19 situation, where a passenger is so out of
20 control that it threatens the safety of the
21 flight, can you go back then?

22 JUDGE GOODWIN: I think--

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1 MS. HUBER: Objection.

2 JUDGE GOODWIN: This is a
3 sensitive area, counsel, and I had some cases
4 like this. My concern with the answer to this
5 question being on the record. If you want to
6 answer the question, what I'd like to do is go
7 off the record and reconvene in a closed
8 session, so she can--I'm not trying to
9 interfere with what you perceive--

10 MR. HILDES: Sure.

11 JUDGE GOODWIN: --as a legitimate
12 line of questioning.

13 MR. HILDES: Okay.

14 JUDGE GOODWIN: And let me ask the
15 witness. Would you feel comfortable in
16 answering a line of questioning like this
17 without consulting with your employer?

18 THE WITNESS: No.

19 JUDGE GOODWIN: Which is the
20 additional issue.

21 MR. HILDES: Okay.

22 JUDGE GOODWIN: It's--

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1 MR. HILDES: I only have one more
2 question in this area; but I understand.

3 JUDGE GOODWIN: If you want to ask
4 the question, what I'd like to do is go off
5 the record.

6 MR. HILDES: Okay.

7 JUDGE GOODWIN: What I'd like you
8 to do is share the line of questioning--

9 MR. HILDES: Okay.

10 JUDGE GOODWIN: --with Ms. Huber.
11 Now Ms. Huber, this is your witness.

12 MS. HUBER: Yes, sir.

13 JUDGE GOODWIN: And if the witness
14 feels that he wants to consult with his
15 employer before going further, I'm going to
16 allow that as well.

17 So let's take a five minute
18 recess. I don't want you to feel, Mr. Hildes,
19 like you're being blindsided; but I've been
20 around this too long.

21 MR. HILDES: Fair enough, Your
22 Honor.

1 JUDGE GOODWIN: And I'm more
2 conscious than some of my colleagues. I don't
3 want this nice gentleman to get fired because-
4 -

5 MR. HILDES: Not our goal either.

6 JUDGE GOODWIN: Or get locked into
7 the cockpit by himself.

8 MR. HILDES: Right.

9 JUDGE GOODWIN: So Ms. Huber, what
10 I want you to do is discuss with Mr. Hildes
11 the line of questioning, and based on that, if
12 the witness wants to call his employer to get
13 instructions on whether he should answer, I
14 want him to have the opportunity to do that.

15 If necessary, we can take the next
16 witness, hold him, and come back to it.

17 MR. HILDES: Okay.

18 JUDGE GOODWIN: So let's go off
19 the record until about five after.

20 MR. HILDES: Okay. Thank you,
21 Your Honor.

22 [Whereupon, the above-entitled

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1 matter went off the record at 2:05 p.m. and
2 resumed at 2:13 p.m.]

3 JUDGE GOODWIN: Back on the
4 record. Mr. Burke, you're still under oath.

5 Ms. Huber, as a result of our
6 being in recess, would you please put on the
7 record what you learned.

8 MS. HUBER: Yes, sir. The
9 associate general counsel for JetBlue advised
10 me that under 49 C.F.R. 1520.9, cockpit
11 security is considered sensitive security
12 information which may not be released by the
13 airline or by its employees, without a need to
14 know, and permission of TSA or the Secretary
15 of the Department of Transportation.

16 JUDGE GOODWIN: Or an ALJ.

17 MS. HUBER: Yes, sir.

18 JUDGE GOODWIN: But I think I
19 would be pushing the limits of my authority if
20 I were to do that. So I think, Mr. Hildes,
21 that if we want to make that inquiry, I think
22 we're going to have to more formally request

1 of OTC, of DOT, in conjunction with OGC of
2 JetBlue, before we allow this line of
3 questioning to go any farther.

4 In light of that, do you have any
5 questions that don't concern cockpit security?

6 MR. HILDES: I do, Your Honor.

7 JUDGE GOODWIN: Or security of the
8 aircraft?

9 MR. HILDES: I do, Your Honor.

10 BY MR. HILDES:

11 Q Did the flight attendants ever
12 tell you it was enough of an emergency to
13 divert the flight, or to take action while you
14 were still in the air?

15 A The flight attendants report what
16 they see. They don't make the decision to
17 divert. The captain makes the decision to
18 divert, or not.

19 Q Did the captain make--well, the
20 flight continued on to Seattle, normally;
21 correct?

22 A Yes.

1 Q And no one on the plane acted to
2 subdue Ms. Tahaira from supposedly trying to
3 sit in the emergency exit row; right? You
4 just turned the seat cushions upside down.

5 A I'm sorry. State the question you
6 have again.

7 JUDGE GOODWIN: Is that a question
8 or--

9 MR. HILDES: No one acted to
10 subdue Ms. Tahaira as a dangerous individual;
11 correct?

12 THE WITNESS: There's no--no
13 marshals on board. Is that what you mean? Is
14 that what you're saying? Is there some--
15 there's--there's nobody I know of, that
16 participated, other than the flight attendants
17 in any dealing with Ms. Tahaira, other than
18 the communication with the translator.

19 I'm not sure what you're asking
20 here.

21 MR. HILDES: That's fine.

22 BY MR. HILDES:

1 Q Have you worked with these, with
2 this crew of flight attendants on other
3 occasions?

4 A I have worked with number one; not
5 the other two.

6 Q How many times have you worked
7 with number one flight attendant, the woman
8 you refer to as Leah?

9 A I believe one other time.

10 Q Do you know her other than working
11 with her those two times?

12 A I might a seen her on one other
13 occasion when I was deadheading home, where
14 she was working a flight; but I was just in
15 the back, commuting home.

16 Q Do you know how long she's been
17 with the airline?

18 A No. I don't.

19 Q And where were you before JetBlue?

20 A I was with a company called
21 Southern Air.

22 Q What is Southern Air's business?

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1 A They operate cargo ,
2 internationally.

3 Q Private or government?

4 A I was a first officer on there.
5 I'm not sure of all their contracts. But the
6 ones that I did were just commercial
7 operations.

8 Q Southern Air also does military
9 and CIA, don't they?

10 MS. HUBER: Objection. Relevance.

11 JUDGE GOODWIN: Sustained.

12 BY MR. HILDES:

13 Q Why'd you switch over to JetBlue?

14 MS. HUBER: Objection. Relevance.

15 JUDGE GOODWIN: Where are we going
16 with this?

17 MR. HILDES: I'm trying to
18 determine his qualifications and his
19 competence as a witness. I only have a couple
20 questions in this area, and then I'm done.

21 JUDGE GOODWIN: I'll allow it,
22 limited, but we're getting a little bit

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1 afield.

2 MR. HILDES: Understood, Your
3 Honor.

4 JUDGE GOODWIN: You want to
5 restate the question.

6 BY MR. HILDES:

7 Q Why did you hire--why did you
8 switch to JetBlue? Why'd you hire on with
9 JetBlue?

10 A JetBlue's a wonderful airline. I
11 was looking forward to working for them.

12 Q So you specifically switched over
13 from Southern to JetBlue because they're a
14 wonderful airline?

15 A Yes. I recognize them as having a
16 very good product, and I wanted to work for
17 them.

18 Q Even though they pay less than
19 most--any other commercial airline?

20 MS. HUBER: Objection. Relevance.

21 JUDGE GOODWIN: It's asked and
22 answered.

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1 MR. HILDES: Okay.

2 BY MR. HILDES:

3 Q So you have a motiva--and you like
4 working for JetBlue; right?

5 A Yes. I do.

6 Q So you have a motivation to
7 support JetBlue, and to make sure that they
8 don't get in any sort of legal difficulties,
9 don't you?

10 A I'm employed as a first officer.
11 I don't--I'm not involved in their legal.

12 Q And there's a wonderful product,
13 and you love the company, and you specifically
14 wanted to work for this company?

15 MS. HUBER: Objection.

16 JUDGE GOODWIN: Sustained.

17 MR. HILDES: So you're loyal to
18 JetBlue?

19 THE WITNESS: I do like working
20 for JetBlue.

21 BY MR. HILDES:

22 Q Any of the conversations with the

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1 flight attendant, with the--with Leah--did she
2 mention to you that passenger involved had
3 threatened to file a complaint against her and
4 against the airline?

5 A I don't recall that; no.

6 Q You don't recall?

7 A I don't recall that; no.

8 Q Either way. Whether she did or
9 whether she didn't?

10 A Or she mentioned it? No. I don't
11 recall.

12 MR. HILDES: Okay. I'm going to
13 confer for a moment. I may be done, Your
14 Honor.

15 [Pause]

16 MR. HILDES: No further questions,
17 Your Honor. My client is having a difficult
18 time, kind of monitoring. We may need to ask
19 for a break at some point. This is very, very
20 difficult for her, emotionally.

21 JUDGE GOODWIN: Redirect, Ms.
22 Huber?

1 MS. HUBER: No redirect, sir.

2 JUDGE GOODWIN: All right. Now
3 counsel, are we finished with this witness?
4 Can he go back to earning a living, or--

5 MR. HILDES: Yes, Your Honor, as
6 far as we--

7 JUDGE GOODWIN: Ms. Huber?

8 MR. HILDES: Respondent is
9 finished with the witness.

10 MS. HUBER: Yes. I ask the
11 witness be excused.

12 JUDGE GOODWIN: Okay.

13 MR. HILDES: No objection.

14 JUDGE GOODWIN: Mr. Burke, I will
15 instruct you that you're not to discuss your
16 testimony with anybody prior to conclusion of
17 the hearing. Because if there's a question as
18 to whether the hearing is ongoing, please
19 check with Ms. Huber. Other than that, you're
20 free to go. You're excused. Thank you for
21 coming in.

22 [Witness excused]

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1 JUDGE GOODWIN: Ms. Huber, you
2 want to call your next witness?

3 MS. HUBER: Yes, sir. I call
4 Laura Clampitt.

5 Let's go off the record.

6 [Whereupon, the above-entitled
7 matter went briefly off the record.]

8 JUDGE GOODWIN: Back on the
9 record. Raise your right hand.
10 WHEREUPON,

11 LAURA CLAMPITT
12 was called for examination by Counsel for the
13 Complainant and, having first been duly sworn,
14 assumed the witness stand, was examined and
15 testified as follows:

16 JUDGE GOODWIN: I'm going to ask
17 you to state your name, your first and last
18 name, and spell your first and last name for
19 the record.

20 THE WITNESS: My name is Laura
21 Clampitt. My first name is spelled L-a-u-r-a.
22 Last name is C-l-a-m-p-i-t-t.

1 JUDGE GOODWIN: Okay. I'm going
2 to ask you to keep your voice up. I have a
3 hearing problem, I can't always hearing
4 everything, and Mr. Hildes is also having some
5 difficulty.

6 THE WITNESS: I'll do my best.

7 JUDGE GOODWIN: Counsel.

8 MS. HUBER: Thank you, Your Honor.

9 DIRECT EXAMINATION

10 BY MS. HUBER:

11 Q Ms. Clampitt, where are you
12 employed?

13 A I'm a flight attendant for
14 American Airlines.

15 Q And how long have you been a
16 flight attendant?

17 A For 17 years.

18 Q I'd like to invite your attention
19 to JetBlue Flight 83 on November 8, 2008.

20 Were you a passenger on that
21 flight?

22 A Yes. I was.

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1 Q How did you come to be on the
2 flight?

3 A I often commute--I commute to
4 Kennedy as my base, and I often use JetBlue to
5 commute home.

6 Q Okay.

7 JUDGE GOODWIN: Does your employer
8 know that?

9 THE WITNESS: Yes; they do.

10 BY MS. HUBER:

11 Q Would you like to explain the
12 basis on which you commute on JetBlue. What's
13 that based on?

14 A What do you mean? I'm sorry. I
15 don't understand that question.

16 Q Do you have--do the airlines
17 provide privileges to each other's employees
18 to commute?

19 A Yes; they do. JetBlue and
20 American Airlines have a reciprocal agreement
21 that allows--we allow our flight attendants
22 to--we allow their flight attendants to ride

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1 on our flights, and they do the same.
2 Gratefully. I'm so happy about that.

3 Q Now Ms. Clampitt, where were you
4 seated on the flight?

5 A I was seated at one of the window
6 exits on the aircraft, left-hand side. So
7 behind the seat the pilot would sit in.

8 Q Can you describe, briefly describe
9 the configuration of this JetBlue A320.

10 A It's a single-aisle plane with
11 three and three on either side of the aisle.
12 Three seats. Aisle. Three seats.

13 Q And were you in a wing exit row?

14 A Yes. I was in an over-the-wing
15 exit row.

16 Q How many exit rows are there over
17 the wings?

18 A I'm not familiar with that
19 particular aircraft, to be able to tell you
20 that. I know that there was a wing exit
21 directly across from where I was sitting.

22 Q Were there many passengers in the

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1 exit rows?

2 A It was a fairly light flight, and
3 there were many open seats on the flight, and
4 all--the three--I believe there were four
5 exit, window exit rows, and three of the four
6 were filled with people.

7 Q Did anything unusual occur on this
8 flight?

9 A Besides the incident in question;
10 no.

11 Q Okay. When you say "the incident
12 in question," what did you observe?

13 A I observed, when I boarded the
14 flight, one of the passengers was standing in
15 the aisle, and sort of surveying the rear of
16 the aircraft, as though she were looking for
17 a place to sit or lie down. The flight was
18 light enough, that there were rows of empty
19 seats that would allow that to happen.

20 And I came on board, and one of
21 the flight attendants moved me to the window
22 seat. They like to have people that are

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1 qualified and trained to sit in those seats,
2 if at all they can, that they know for sure,
3 you know, know how to operate the exits, just
4 for ease of boarding and their comfort level.

5 So I was sitting in one of the
6 window exit seats, and after takeoff, the row
7 directly opposite me was empty, so all three
8 seats were unoccupied, and Ms. Tahaira--is
9 that what her name is?--came and sat in those
10 seats, and the flight attendants are required
11 to do an exit row briefing, asking the
12 passengers who are sitting in those seats if
13 they're able to--able and willing to open up
14 the doors, and a few other parameters around
15 that.

16 And they did that with her, when
17 she took that seat, and they asked her if she
18 was able to lift the window exit door, and she
19 said no, that she was just tired, and that she
20 was not feeling well, and that she wanted to
21 sit there.

22 And they explained to her that she

1 wouldn't be able to occupy the exit row
2 because she didn't meet the criteria for being
3 seated in a exit row.

4 And then--so she returned to her
5 assigned seat, and I'm not sure which one that
6 was, and as soon as the flight attendants left
7 the aisle, she was back in the exit row, and
8 so they came back, asked her again to move,
9 and she was not--she wanted to know why and
10 was a little bit argumentative with them about
11 having to leave that row, and said I just want
12 to lie here and sleep.

13 And they explained to her again,
14 why she couldn't sit in those seats. And so
15 it became a little bit difficult. She then I
16 think returned to her seat again, and then I
17 saw it happen one more time.

18 And after that time, when she
19 returned back to her original assigned seat,
20 the flight attendants flipped the seat
21 cushions over to try and keep the row
22 unoccupied. I'm trying to remember all of it.

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1 They--

2 JUDGE GOODWIN: You mentioned the
3 flight attendants--the flight attendants have
4 a standard briefing they give to exit seat
5 occupants; is that correct?

6 THE WITNESS: That's correct.

7 JUDGE GOODWIN: And did they do
8 that as a part--about the time of pushback,
9 initially?

10 THE WITNESS: They generally do
11 the exit row briefing, and you're required to
12 do that on the ground, so that you can reseat
13 any passengers before takeoff, so that any
14 movement on the ground, that exit windows need
15 to be occupied by people who can operate those
16 exits. And they--

17 JUDGE GOODWIN: Now the briefing
18 that you referenced, was that after takeoff
19 or was that--

20 THE WITNESS: Yes; yes.

21 JUDGE GOODWIN: So that was after
22 takeoff?

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1 THE WITNESS: Yes.

2 JUDGE GOODWIN: And it was once
3 Ms. Tahaira moved from her--from another seat
4 to the exit row seat; is that correct?

5 THE WITNESS: That's correct.

6 JUDGE GOODWIN: All right. Ms.
7 Huber.

8 MS. HUBER: Thank you, sir.

9 BY MS. HUBER:

10 Q Did you have any conversations
11 with the flight attendants yourself during
12 this period?

13 A Yes. I did. The flight attendant
14 who was mostly talking to Ms. Tahaira came by,
15 and said, "I'm having trouble with, with this-
16 -with this passenger, won't stay out of this
17 exit row." That was--that was about it.

18 MR. HILDES: I'm going to make the
19 same hearsay objection as before, to have it
20 on the record.

21 JUDGE GOODWIN: Overruled.

22 BY MS. HUBER:

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1 Q Do you know if the flight
2 attendants looked for or offered Ms. Tahaira
3 other seats to lie down in?

4 A They went to the rear of the plane
5 to try and find some other rows. But at this
6 point the flight had already taken off, and it
7 was a late--it was an evening flight, it
8 leaves fairly late, and everybody pretty much
9 lies down and falls asleep. And they keep the
10 aircraft dark as well.

11 And they went back to see if there
12 was another open row but there were no
13 unoccupied rows in the rear of the plane as
14 far as I know.

15 Q Did you hear the flight attendants
16 explain to Ms. Tahaira why she could not sit
17 in the exit row?

18 A Yes. I did. I heard them asking
19 her the relevant window exit briefing
20 questions, and explained to her why, that if
21 she couldn't meet that criteria, that she
22 couldn't sit in that row.

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1 Q What was Ms. Tahaira's demeanor?

2 A She seemed frustrated because she
3 wanted to sit in that row, and they were
4 enforcing the criteria that's required for a
5 window exit. But she seemed frustrated and
6 didn't--a little bit difficult. They
7 explained it to her a few times and she just
8 didn't--she didn't want to leave the seat and
9 she wanted to continue coming back to the
10 seat.

11 Q Can you describe the flight
12 attendant's demeanor during these
13 conversations with Ms. Tahaira.

14 A The flight attendant was very--
15 very--I thought, very polite, in handling the
16 situation as well as she could, trying to give
17 the woman the information that she was asking
18 for, explaining why it wouldn't work, for her
19 to be able to occupy those seats. I thought
20 she was really nice.

21 Q Did it appear to you that Ms.
22 Tahaira understood the instructions that she

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1 was given?

2 A Yes.

3 Q And why do you say that?

4 A Well, she, after the flight
5 attendants asked her to leave the seat, the
6 conversation and the kind a argument as to
7 why? why? why? ensued, and so this was going
8 on in English, and then she did eventually go
9 back to her seat. So I--there was a
10 conversation that was going on in English
11 between Ms. Tahaira and the flight attendant,
12 regarding the situation, so that is why I
13 thought it was clearly understood.

14 Q Were you aware of any physical
15 confrontation between Ms. Tahaira and the
16 flight attendants?

17 MR. HILDES: Objection. Leading.

18 JUDGE GOODWIN: Overruled.

19 THE WITNESS: Does that mean I can
20 answer?

21 JUDGE GOODWIN: Yes.

22 THE WITNESS: I did not witness

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1 any physical confrontation.

2 BY MS. HUBER:

3 Q Okay. Did you observe--did you
4 have a discussion with the flight attendants
5 regarding a physical confrontation?

6 MR. HILDES: Objection. Both
7 leading and hearsay.

8 JUDGE GOODWIN: Overruled.

9 THE WITNESS: After I deplaned the
10 flight, the flight had been met by law
11 enforcement, and the flight attendants were
12 standing outside at that time, and the flight
13 attendant, Leah, said to me, "Oh, my--she
14 said, "Oh, my God." She grabbed me and she
15 showed me her arm, and she had a red--it was
16 actually bruised. At that time it was sort of
17 a blue color with red around the outside on
18 her arm.

19 MS. HUBER: Okay. No further
20 questions.

21 JUDGE GOODWIN: Witness with you.

22 MR. HILDES: Your Honor, I would

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1 ask to do cross. I'm sorry.

2 JUDGE GOODWIN: Sure. No. I said
3 witness with you.

4 MR. HILDES: Oh. Oh, I'm sorry.

5 JUDGE GOODWIN: See, I learned
6 that technique from an old lawyer in Maryland-
7 -witness over--and I stood there for five
8 minutes trying to figure out what he was
9 telling me to do.

10 Then I realized he told me you
11 could cross.

12 CROSS EXAMINATION

13 BY MR. HILDES:

14 Q Ms. Clampitt, how often do you
15 commute on JetBlue?

16 A Quite often. Pretty much three
17 times a month.

18 Q So almost every week?

19 A My return. Yes. Three times a
20 month.

21 Q And how many years has that
22 arrangement been going on?

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1 A I think I've been commuting on
2 JetBlue for about five years.

3 Q And the two airlines have a
4 reciprocal agreement that way?

5 A Yes, as well as many other
6 airlines do that.

7 Q And where is your normal crew
8 base?

9 A New York. Kennedy.

10 Q So you really are dependent on
11 being able to get flights from JFK to SeaTac;
12 correct?

13 A Yes, sir. To come home I do.

14 Q And there's only a couple airlines
15 that do that specific run, aren't there?

16 A There's a few.

17 Q Other than JetBlue. American
18 doesn't.

19 A American does.

20 Q Well, American flies out of
21 LaGuardia to SeaTac; right?

22 A No. American flies a direct route

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1 from Kennedy to Seattle.

2 Q Okay. Then why don't you take the
3 American flights?

4 A Because the flight that I fly
5 comes in later.

6 Q So you need a night flight?

7 A Yes. Or the early morning, the
8 next day.

9 Q And you have family back here in
10 the Seattle area. That's right?

11 A That's right.

12 Q How well do you know this
13 particular flight crew?

14 A I don't. I was acquainted with
15 one of them, briefly, and the other two, I
16 don't believe I had met either of them before.
17 I see these flight attendants sometimes. I
18 had met Leah before. The other two I had not
19 met before.

20 Q Okay. But they fly your flights,
21 you fly their flights, and--

22 A Not all the time. They have a

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1 number of flight attendants that cycle through
2 these different flights. I do see some of the
3 same flight attendants again and again; but
4 not always.

5 Q And over time, you build up a
6 relationship with them; right? You would.
7 You're in the same profession. You're flying
8 on each other's planes. They ask you for
9 assistance sitting in the exit row. You ask
10 them for assistance in situations. So it's--

11 A We always offer each other
12 professional courtesy.

13 Q And you never saw any sort of
14 physical confrontation?

15 A No.

16 Q And you say that Ms. Tahaira went
17 back, every time, to her original seat. Where
18 was her original seat?

19 A I think it was a few rows ahead of
20 the exit row. I'm not sure what her original
21 seat number was.

22 Q Okay. And other than going back

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1 and forth between the opposite side of the row
2 you were in and her original seat, did she
3 move around the plane at all, that you saw?

4 A Yes. She went to the rear of the
5 plane several times. I saw her walking
6 around, actually, quite a bit. I remember
7 thinking she wanted to lie down and sleep but
8 she was actually up, walking around quite a
9 bit. I saw her pass my row a couple, a few
10 times, to go to the aft. The rear of the
11 plane, there are lavatories in the rear of the
12 plane. I didn't think much of it.

13 Q Several times?

14 A Yes.

15 Q Did she hold on to the seatbacks
16 when she did that?

17 A Yes. I believe so. Most people
18 do, especially if there's any turbulence, and
19 the flight was a little bumpy, if I recall.
20 It always has a little bit of movement.

21 Q And you think that she understood
22 and spoke English because the directions she

1 was being given were in English, and she asked
2 why?

3 A No. She had--I heard her having a
4 conversation, Why do I need to move? Why
5 should I do--I heard them ask her if she could
6 lift the window exit door, and she said no.

7 Q So from that, you concluded that
8 she understood everything she was told?

9 A I think she understood the
10 direction to leave the seat.

11 Q Do you speak any languages other
12 than English?

13 A Japanese.

14 Q Do you speak Japanese fluently?

15 A Not like a native, sir.

16 Q If someone gave you detailed
17 instructions and explanations in Japanese,
18 would you be able--would you understand them?

19 A I would be able to ask them to
20 speak slowly, so that I could understand them.

21 Q So you have enough Japanese, that
22 you could get by if you had to, and have this

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1 entire discussion?

2 A Yes.

3 Q How many years of Japanese have
4 you studied?

5 A I lived in Japan for three years,
6 and I continue to study.

7 Q And does American fly to Japan?

8 A Yes, sir.

9 Q And you are a flight attendant on
10 some of those flights?

11 A Yes.

12 Q So there's a professional--

13 MS. HUBER: Objection. Relevance.

14 JUDGE GOODWIN: Well, he hadn't
15 finished the question.

16 MR. HILDES: So there's some
17 professional reasons why it's advantageous to
18 be able to speak Japanese; right?

19 THE WITNESS: Yes.

20 BY MR. HILDES:

21 Q Do you speak any other languages?

22 A No.

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1 Q If someone came up to you and
2 asked you a question in, say, Spanish, which
3 you hear on flights with some frequency, would
4 you be able to answer the question?

5 A Possibly, depending on what it
6 was.

7 Q Does that mean you understood
8 Spanish?

9 A I can understand rudimentary
10 Spanish, and if somebody has--is asking me a
11 direction like that, I can ask why.

12 Q But that doesn't mean you're
13 fluent in the language enough to really
14 understand what's going on, does it?

15 A No.

16 Q You said the bruise that Leah
17 showed you was already blue; is that right?

18 A Yes.

19 Q And you seemed kind a surprised by
20 that.

21 A It was--yes. She was grabbed
22 pretty hard. I was surprised by that.

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1 Q Well, you don't know that she was
2 grabbed pretty hard because you never saw it;
3 right?

4 A True.

5 Q You just--

6 A The bruise that she had looked
7 fairly painful, and--

8 Q Bruises don't turn blue that
9 quickly--

10 A I understand that. That's why I
11 was--I mean, there was also red around it.

12 Q Okay.

13 A It was not an old bruise; if
14 that's what you're getting at.

15 Q Well, bruises often take a day or
16 two to turn blue, don't they?

17 MS. HUBER: Objection.

18 THE WITNESS: I'm just telling you
19 what I saw.

20 MR. HILDES: Okay.

21 JUDGE GOODWIN: Overruled.

22 BY MR. HILDES:

1 Q Now being a flight attendant, you
2 get thrown around the plane a bit from time to
3 time, especially if there's turbulence; right?

4 A Yes.

5 Q And flight attendants bruise, say,
6 wrists and elbows, and hips, and stuff from
7 time to time; right?

8 A Yes.

9 Q And so it's not unusual to have a
10 bruise, is it, at the end of a flight?

11 A It's not unusual. This had the
12 shape of someone having grabbed her.

13 Q So you could see fingermarks on
14 the bruise?

15 A Yes.

16 Q You're sure about that?

17 A Yes.

18 Q How do you know that that's what
19 it was?

20 A It looked like a hand had grabbed
21 her. That's what I saw.

22 Q Do you have any training in--do

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1 you have any medical training or training in
2 how to identify the cause of an injury?

3 A No.

4 Q So it looked to you like that
5 because that's she told you had caused it. So
6 that's what you saw; right?

7 A I just saw--she showed me her arm.
8 I saw it.

9 Q And you didn't hear anything that
10 sounded like shouting that would accompany a
11 physical confrontation, did you?

12 A I was not in the rear of the--I
13 did--I wasn't there. I was still in my row.

14 Q But if someone had been shouting
15 in the back of the plane, you would have
16 noticed; right?

17 A Not necessarily. It's a pretty
18 long aircraft.

19 Q So you're sitting in row eleven?

20 A Yes. That's closer to the front.
21 You don't hear what's going on in the galley.

22 Q How many rows in the plane?

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1 A I don't know the configuration of
2 a JetBlue aircraft.

3 Q Thirty? Thirty-two? Something
4 like that?

5 A Could be. Could be.

6 Q So you know--so you wouldn't hear
7 a loud, verbal confrontation, 20 rows away?

8 A Not usually. Not over the sound
9 of the engines.

10 Q How many conversations did you
11 have with Leah about what occurred on the
12 plane, about the incident?

13 A She talked to me when she seemed a
14 little bit like surpri--she seemed a little
15 surprised at the--that Ms. Tahaira kept
16 returning to the exit row seat. She talked to
17 me at that time and then after I got off the
18 plane in Seattle. There were all the--two of
19 the flight attendants I think were out there
20 with law enforcement officers.

21 Q And have you had any conversation
22 about what happened in that incident since?

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1 A No.

2 Q With anybody?

3 A Well, yes. I've spoken with the--
4 with Karen and--

5 Q How many times have you spoken
6 with Karen?

7 A Oh, I think we spoke three or four
8 times on the phone.

9 Q Okay. And what did she say to
10 you?

11 MS. HUBER: Objection.

12 MR. HILDES: She's not her client.
13 There's no privilege.

14 JUDGE GOODWIN: Overruled.

15 MR. HILDES: You may answer the
16 question.

17 THE WITNESS: Well, she asked me--
18 she asked me about--if I would be able to
19 attend the hearing. She asked me about what
20 I had witnessed. I told her what I'm telling
21 you now. And some of the practicalities about
22 getting here, and some a the questions that

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1 she was interested in asking.

2 BY MR. HILDES:

3 Q Did she tell you what they were
4 trying to prove?

5 A No.

6 Q Did you ever talk to an
7 investigator from the FAA about this incident?

8 A No.

9 Q Ever talk to anyone from JetBlue
10 Security about this incident?

11 A No.

12 Q Have you seen Leah since that
13 evening?

14 A No.

15 Q And after the flight, when you're
16 there for a moment with law enforcement, which
17 is about an hour after this incident
18 apparently, she says to you, "Oh, my God--she
19 grabbed me"?

20 A I was probably close to one a the
21 last people getting off the plane. I'm not
22 really sure. I was trickling off--they were

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1 already standing out there as the passengers
2 were deplaning. If there's law enforcement
3 meeting the plane, sometimes, if they need to
4 be--she needed to be engaged with whatever
5 that was. They were already standing out
6 there. It wasn't an hour after the flight.
7 We were deplaning at that time.

8 Q But the incident in the back--
9 well, you don't know when the incident in the
10 back happened because you never saw it.

11 A That's right.

12 Q And she never--Ms. Tahaira never
13 came from behind row 11 back to the row, back
14 to row 11, the exit row?

15 A I can't say. I saw her walking in
16 the aisle several times and I can't say if she
17 came from the rear of the plane and went and
18 sat back down there. She--I saw her walking
19 through the aisle several times, and I saw her
20 in and out of that exit row three times.

21 Q What--did you see her do anything
22 when she was in that row? Like reach into the

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1 seatback in front of her to get her
2 medication?

3 A No.

4 Q You never saw that?

5 A I saw her lying down.

6 Q Each time she was lying down in
7 that row?

8 A Yes.

9 Q For how long?

10 A Well, until the flight attendants
11 noticed that she was in the row, and asked her
12 to leave.

13 Q And it's your testimony there were
14 no other available rows in the plane?

15 A I don't know if that's true or
16 not.

17 Q And you never really looked?

18 A No, sir. I was a passenger on
19 that flight.

20 Q Did you hear every part of the
21 conversation between--the conversations
22 between Ms. Tahaira and Leah?

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1 A Not every part; no.

2 Q Now in this--have you reviewed the
3 police report in this matter?

4 A No.

5 Q If I may--

6 [Pause]

7 MR. HILDES: I'm looking for the
8 record copy of the--

9 JUDGE GOODWIN: It's up here.

10 MR. HILDES: Exhibit 6. If I may
11 approach.

12 JUDGE GOODWIN: Yes. I've given
13 Mr. Hildes the court's copy of six, which is
14 in evidence.

15 BY MR. HILDES:

16 Q I'm going to approach the witness
17 with this. If you would review that page, and
18 there's--

19 JUDGE GOODWIN: Do you want her to
20 read the whole report or--

21 MR. HILDES: I just want her to
22 read the one page, Your Honor.

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1 JUDGE GOODWIN: Which page?

2 MR. HILDES: That first page.

3 There are statements attributed to the
4 witness. If you would review those and tell
5 us if those are accurate, that's an accurate
6 rendition of what you said.

7 [Witness peruses the document]

8 THE WITNESS: I've read what--

9 MR. HILDES: Okay. Is that an
10 accurate--are those statements attributed to
11 you accurate?

12 THE WITNESS: To me? Yes; yes.

13 BY MR. HILDES:

14 Q So it's your testimony, under
15 oath, that Ms. Tahaira said, "You're treating
16 me this way because I'm Muslim."

17 A Yes. I heard her say that. It
18 made me uncomfortable. She said, "You're
19 being very rude to me; it's because I'm
20 Muslim."

21 Q You're absolutely sure that she
22 said that?

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1 A Yes.

2 Q that's funny. Would it surprise
3 you to learn that Ms. Tahaira doesn't discuss
4 her religion, because to her, that's an
5 extremely private matter and she never says
6 that she's Muslim.

7 MS. HUBER: Objection. Counsel's
8 testifying.

9 JUDGE GOODWIN: If that's a
10 question, I'll allow it.

11 MR. HILDES: It is a question,
12 Your Honor. Would that surprise you?

13 THE WITNESS: I don't know how to
14 answer that. I just know what I saw.

15 BY MR. HILDES:

16 Q You know what you saw, and what
17 you saw was a woman who appeared to be--"you
18 to be Muslim," so you told the police that she
19 said she was Muslim and she was being
20 discriminated against; isn't that right?

21 A That's what I heard.

22 Q Absolutely sure that she said

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1 that. So you hadn't noticed that she was
2 Muslim before that. It just--you suddenly
3 noticed it because she said it?

4 A I wouldn't know if she was Muslim
5 or not. I really wouldn't.

6 Q But you have her saying it
7 multiple times.

8 A No.

9 Q So you noticed her--

10 A I heard her say it once.

11 Q Then why does the report have you
12 saying it three times? You really--

13 A Where does it say that?

14 Q The second paragraph and it's--
15 once in the middle and--

16 MS. HUBER: Objection. Counsel's
17 misstating the document. It speaks for
18 itself.

19 THE WITNESS: It doesn't say that.

20 MR. HILDES: Will you let me have
21 the report for one second.

22 "Clampitt said Tahaira insisted

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1 the reason she could not sit in the exit row
2 was because she was Muslim." Fourth
3 paragraph. You're right. Leah's saying it,
4 and I have--and it's there as a conclusion
5 from the police.

6 BY MR. HILDES:

7 Q So also your testimony that Leah
8 told Ms. Tahaira that she had to move, in
9 part, because of the language barrier. So you
10 knew there was a language issue. So you knew
11 that she did have difficulty understanding
12 English, didn't you?

13 A Language understanding is a basic
14 criteria for exit row occupation. If you
15 cannot understand English, or understand the
16 directions, and be able to lift the door, you
17 cannot occupy an exit row seat.

18 Q Of course. And--but on the one
19 hand, you're telling us, under oath, that
20 based on what you saw, she could understand
21 and speak English perfectly. And on the other
22 hand, you're saying--

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1 MS. HUBER: Objection.
2 Mischaracterizes the testimony.

3 MR. HILDES: --she couldn't sit
4 there because she couldn't.

5 JUDGE GOODWIN: Sustained. A,
6 it's argument and B, that's not what her
7 testimony is. Her testimony will be what it
8 is.

9 BY MR. HILDES:

10 Q So did she have difficulty
11 speaking English, or didn't she?

12 A I heard her having a conversation
13 with the flight attendants regarding the exit
14 row.

15 Q And from that you included she--
16 you concluded she was proficient in English.
17 Except that she wasn't proficient in English
18 because she couldn't sit in the emergency exit
19 row.

20 MS. HUBER: Objection.
21 Argumentative.

22 JUDGE GOODWIN: I'm going to

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1 sustain it. If you've got a question, can ask
2 a question. You've asked two questions. it's
3 a compound question.

4 MR. HILDES: Absolutely, Your
5 Honor. I apologize. I'm going to consult for
6 one moment.

7 [Pause]

8 BY MR. HILDES:

9 Q Did you ever hear Leah ask Ms.
10 Tahaira why she needed to lie down?

11 A I heard Ms. Tahaira say that she
12 didn't feel well, and that she wanted to sleep
13 in that row.

14 Q Or another row where she could lie
15 down because she wasn't feeling well?

16 A I'm just telling you what I heard.

17 Q So now we actually have a reason
18 why she wanted to lie down. She wanted to lie
19 down because she was sick; right?

20 A That's what I heard her say.

21 Q Did you also hear the part where
22 she mentioned that she wanted to lie--that she

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1 needed her medication because she was sick,
2 and her medication was in row eleven?

3 A No.

4 Q And you never--no. You managed to
5 miss that. And you never saw--do you know
6 that she was not reseated in her original
7 seat, according to Leah and the other flight
8 attendants working that plane, but was
9 actually seated behind you, in a row with the
10 only other two South Asians on the plane?
11 Were you aware of that?

12 A No.

13 Q No.

14 MR. HILDES: I have no further
15 questions at this time, and I'm getting a
16 strong indication that Ms. Tahaira needs a
17 break since she is almost out the door.

18 JUDGE GOODWIN: You can have it.

19 MR. HILDES: If we may, Your
20 Honor.

21 JUDGE GOODWIN: Let's go off the
22 record until five after 3:00. I'm going to

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1 instruct you not to discuss your testimony
2 with anybody, prior to the conclusion of the
3 hearing. You can step down for a few minutes
4 but I'll ask you, at five after 3:00, to
5 return to the witness stand.

6 MS. HUBER: Your Honor, I had no
7 redirect of Ms. Clampitt. She could be
8 excused.

9 JUDGE GOODWIN: Well, she may want
10 to stay here.

11 MS. HUBER: Okay.

12 MR. HILDES: No objection.

13 JUDGE GOODWIN: Are you finished
14 with your questioning?

15 MR. HILDES: I believe so. I
16 would ask--are we finished? My staff tells me
17 we're finished. We've no further questions.

18 JUDGE GOODWIN: Okay. Well, again
19 my admonition is not to discuss your testimony
20 with anybody, prior to the conclusion of the
21 hearing. You're free to go. The hearing may
22 conclude this week. If there's a question as

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1 to whether it's concluded, please call Ms.
2 Huber.

3 THE WITNESS: Okay.

4 JUDGE GOODWIN: All right. You're
5 free to go. Thank you.

6 [Witness excused]

7 [Whereupon, the above-entitled
8 matter went off the record at 2:55 p.m. and
9 resumed at 3:14 p.m.]

10 JUDGE GOODWIN: On the record.
11 Call your next witness.

12 MS. HUBER: The Agency calls Leah
13 Stevens.

14 JUDGE GOODWIN: Stand and raise
15 your right hand.
16 WHEREUPON,

17 LEAH STEVENS
18 was called for examination by Counsel for the
19 Complainant and, having first been duly sworn,
20 assumed the witness stand, was examined and
21 testified as follows:

22 JUDGE GOODWIN: Please be seated.

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1 Would you please state your full name for the
2 record, and spell your first and last name.

3 THE WITNESS: Leah, L-e-a-h,
4 Stevens. S-t-e-v-e-n-s.

5 JUDGE GOODWIN: Counsel.

6 MS. HUBER: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MS. HUBER:

9 Q Ms. Stevens, where are you
10 employed?

11 A At JetBlue Airways.

12 Q And what is your position?

13 A I'm a flight attendant.

14 Q How long have you been a flight
15 attendant?

16 A Since January of 2004.

17 Q And how long have you been
18 employed at JetBlue?

19 A Since January of 2004.

20 Q All righty. So you were employed
21 for JetBlue on November 8th, 2008, then?

22 A Yes, ma'am.

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1 Q Were you working on Flight 83 from
2 JFK to Seattle on the evening of November 8th?

3 A Yes, ma'am.

4 Q Okay. What were your duties that
5 day as the number one flight attendant?

6 A Primarily for the safety of the
7 passengers, and secondly, for the comfort.

8 Q Okay. How many flight attendants
9 were working that flight?

10 A We had three working the flight.

11 Q Who were the other flight
12 attendants?

13 A Rosalind Rojas and Adrienne Kate-
14 Sanchez.

15 Q Could you briefly describe the
16 configuration of the aircraft and where each
17 of you worked.

18 A I was the lead flight attendants,
19 so I worked in the front section from row one
20 through eight. Rosie worked from row nine to
21 fifteen, and Adrienne works--no, no, no. I'm
22 sorry. Nine to sixteen. And Adrienne works

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1 from seventeen to twenty-five. But we all
2 take care of everyone.

3 Q Okay. And has JetBlue implemented
4 exit row seating restrictions under Part 121?

5 A Yes, ma'am.

6 Q Were announcements made regarding
7 the exit row seating criteria during the
8 flight?

9 A Yes, ma'am.

10 Q Who made those announcements at
11 the beginning of the flight?

12 A Adrienne.

13 Q Is it routine for flight
14 attendants on JetBlue to make those
15 announcements?

16 A Yes, ma'am. It's mandatory.

17 Q Okay. There's a document that
18 you'll find in front of you marked as
19 Complainant's Exhibit 10 for identification.
20 Do you see that?

21 A Yes, ma'am.

22 Q Do you recognize that?

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1 A I do.

2 Q What is it?

3 A It is the exit row criteria and
4 our briefing for the exit row customers.

5 Q Is this from the JetBlue flight
6 attendant manual that was in effect on
7 November 8th of 2008?

8 A Yes, ma'am.

9 Q Are you required to maintain a
10 copy of this document in the ordinary course
11 of your business?

12 A Yes, ma'am.

13 MS. HUBER: The Complainant offers
14 Complainant's Exhibit 10 for identification as
15 Complainant's Exhibit 10.

16 MR. HILDES: No objection. We'll
17 stipulate that announcements were made.

18 JUDGE GOODWIN: Complainant's 10
19 for identification is received in evidence as
20 Complainant's Exhibit 10.

21 [Complainant's Exhibit
22 No. 10, previously

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1 m a r k e d f o r
2 identification, was
3 received in evidence]

4 BY MS. HUBER:

5 Q So Ms. Stevens, you were talking
6 about the exit row criteria. Do JetBlue
7 flight attendants follow those criteria in
8 determining who's eligible to sit in the exit
9 rows?

10 A Yes, ma'am.

11 Q Must they elicit an affirmative
12 response from the passengers after describing
13 the criteria to them?

14 A Yes, ma'am. A verbal response.

15 Q Did anything unusual happen during
16 that flight on November 8th?

17 A Yes. We had a very disruptive
18 passenger on board.

19 Q Okay. Who was that passenger?

20 A Mrs. Stevens.

21 Q Do you see her here in the
22 courtroom today?

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1 A Yes. I do.

2 Q Could you point her out.

3 A She's right here.

4 MS. HUBER: The record should
5 reflect the witness is indicating the
6 Respondent.

7 BY MS. HUBER:

8 Q Ms. Stevens, when did you first
9 notice Ms. Tahaira on the flight?

10 A During boarding, she came on board
11 in a wheelchair, and I helped her with her
12 stuff, and I remember, that's the first
13 encounter.

14 Q You mention "her stuff." Do you
15 remember what she had with her?

16 A She had a pursue, black purse.

17 Q No other bags, that you recall?

18 A [No oral response]

19 Q Was she wearing a fur coat or any
20 other attire?

21 JUDGE GOODWIN: You have to--you
22 shook your head, which the court reporter

1 can't--so the question was did she have
2 anything else with her and your oral response
3 would be...?

4 THE WITNESS: Yes.

5 JUDGE GOODWIN: She brought on a
6 black purse; is that correct?

7 THE WITNESS: Yes.

8 JUDGE GOODWIN: Did she bring
9 anything else with her?

10 THE WITNESS: Not that I know of.

11 JUDGE GOODWIN: Okay.

12 THE WITNESS: Not that I can
13 remember.

14 BY MS. HUBER:

15 Q Ms. Stevens, do you remember what
16 Ms. Tahaira was wearing?

17 A No.

18 Q Was she wearing a fur coat, or
19 other distinctively Muslim attire?

20 A No; not that I remember.

21 Q When did Ms. Tahaira first come to
22 your attention on the flight?

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1 A During the flight, once we had
2 just hit 10,000 feet, Rosie, who was the
3 number two flight attendant, came up to me and
4 told me she had a problem with someone trying
5 to sit in the exit row, she could not move out
6 of the exit row, and asked for my help.

7 Q And what did you do?

8 A I went over to Ms. Tahaira and
9 asked her what her original seat was, and she
10 told me she paid for business class, and that
11 was a business class ticket. And I explained
12 to her we do not have business class on
13 JetBlue and she was sitting in an emergency
14 exit row.

15 And I asked for her ticket and she
16 handed it to me, and it said 9F, and I asked
17 for her to return to her original seat.

18 And she just gave me a blank look,
19 she didn't understand what I said, and I knew
20 she didn't understand me, I had to say it
21 again, and she finally got up and moved, and
22 I pointed--a lot of nonverbal communication

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1 with her--pointed to go back to her seat.

2 And she got up and went back to her seat.

3 Q Did you explain to Ms. Tahaira why
4 she could not sit in the exit row?

5 A Yes.

6 Q Do you remember what she said?

7 A She--she didn't--well, she didn't
8 understand me, so because she couldn't me, I
9 knew she didn't speak English. I showed her
10 the safety information card and asked her if
11 she--I pointed to the safety information card,
12 to the duties such as opening the exit, and
13 told her the door weighed about 50 pounds,
14 approximately, could she lift it, and she did
15 not understand what I said.

16 I also showed her the safety
17 information card, and asked if she could read
18 any of it to me in English, and she took the
19 card and flicked it on the floor and said no.

20 So that's when we knew she was not
21 qualified to sit in the emergency exit row.

22 Q Would the fact that she came on to

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1 the aircraft in a wheelchair also indicate to
2 you she may not be qualified for exit row
3 seating?

4 A Yes, ma'am.

5 Q What did you do then?

6 A I'm not sure which order
7 everything transpired, but I asked her to go
8 back to her original seat, and she did not
9 want to go back to her original seat. In
10 communication with Rosie and I both, Mrs.
11 Tahair--or Ms. Tahaira had asked--told Rosie
12 that the woman next to her was bothering her,
13 and that's when she did in her row. The woman
14 in 9D, which is the aisle, was bothering her.

15 And we went to the woman to see
16 what was going on, and the woman said I don't--
17 -I'm not doing anything, but I think she wants
18 to lay down.

19 So we looked for rows that she can
20 move to, empty rows, because it's a very light
21 flight. We looked for empty rows that she can
22 move to, Rosie and I both searched the plane,

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1 and there was probably, I'd say at least five
2 or six rows, and we told Ms. Tahaira she could
3 sit in any of these rows but she cannot sit in
4 exit row.

5 Q How did Ms. Tahaira respond to
6 that?

7 A She didn't understand us. She
8 kept giving us blank looks. The only way we
9 could get her to move was we would pick up her
10 purse and take it right to her seat, her
11 original seat, and she would jump up as soon
12 as we picked up her purse, and follow it right
13 back to original seat.

14 Q Did she seem to have any
15 difficulty walking between the seats?

16 A No. She was up and down a lot
17 during the flight, walking up and down the
18 aircraft, and she had no trouble getting up
19 and down.

20 Q Now you testified that you handed
21 Ms. Tahaira the card and she just flicked it
22 off on to the floor. I ask you to look at

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1 Complainant's Exhibit 11, there, in front of
2 you. Is that a photocopy of the passenger
3 safety card that you handed Ms. Tahaira?

4 A Yes, ma'am.

5 Q And is that, to your knowledge, a
6 true and accurate copy of the card that you
7 used on November 8th?

8 Q Yes, ma'am.

9 MS. HUBER: The Agency offers
10 Complainant's Exhibit 11.

11 MR. HILDES: No objection. It's a
12 card. Whether any of the rest of this
13 happened, I would doubt it; but it's a card.
14 It is an emergency exit instruction card.

15 No objection to that, for that
16 purpose alone.

17 JUDGE GOODWIN: The exhibit's
18 received into evidence.

19 [Complainant's Exhibit
20 No. 11, previously
21 m a r k e d f o r
22 identification, was

received in evidence]

BY MR. HILDES:

Q What happened, then, Ms. Stevens, to the best of your recollection? Did you have any more instances?

A Well, at this time, we are there for everyone's safety, but then we also have to do a beverage and snack service during this flight. We had other customers on board that we needed to take care of, and we were focusing all of our attention on Ms. Tahaira.

We were not able to do our duties. We were not able to do them at the time we were supposed to get them done at, or start them at the time, because we were dealing with her, always--I mean, always constantly moving her out of the exit row.

Every time we walked by, she was there. So at this time we were trying to start our service, and we were in communication with the pilots, to let them know what was going on, so they could just

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1 have an up--just to know what was--what we
2 were dealing with.

3 And just back and forth. We'd
4 just see her there. We'd see her in the exit
5 row and we knew she did not meet the exit row
6 criteria. So we would tell her she could not
7 sit there. We would just pick up her purse
8 and walk it back to 9F, and sat her there, and
9 we even walked her up and down the aisles.

10 I mean she walked, she followed
11 us, but we showed her, this is a empty row,
12 this is a empty row, this is a empty row. And
13 she said "No" and just shook her head "No" and
14 did this.

15 So she did not want to sit
16 anywhere but the exit row. So we had her sit
17 in the original seat, and we probably moved
18 her--we probably moved her during the flight,
19 between Rosie and I both, about 15 times.

20 Q Have you ever had to move a
21 passenger that many times before?

22 A Never. I never had a customer not

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1 comply as, as--the way she did.

2 Q Did she appear to understand your
3 instruction--do not sit in the exit row?

4 A She did not understand us--or
5 sometimes it would look like she was
6 understanding us, at first, and then she would
7 just look at us with a blank look. And we did
8 a lotta nonverbal, like I said, you know, hand
9 movements showing lifting the door, and how
10 heavy it was, and she didn't understand us.

11 So we just knew she could not--
12 plus she came on on a wheelchair. Plus her
13 English was broken and she did not understand
14 us.

15 So we knew she couldn't sit in the
16 exit row. But we offered her many open seats.
17 But we were also trying to do our beverage and
18 snack service. A lot of other customers were
19 getting angry because they were wanting their
20 drinks and snacks and they didn't understand
21 what was going on. We didn't tell them. But
22 at one point Ms. Tahaira--Rosie and I were

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1 standing there, explaining to her again, she
2 could not sit there.

3 Ms. Tahaira got up and pushed past
4 us, and kept walking, so we just followed her,
5 thinking she was going to go to one of the
6 empty rows we had pointed out. And she went
7 to row 16, to a woman sitting in--I believe
8 she was sitting in 16B, which is the middle
9 seat and started speaking to her in another
10 language, and both of them were communicating,
11 and the woman looked at me--I don't remember
12 exactly how it happened but the woman looked
13 at me and said she could translate.

14 And I said, Can you please just
15 let her know she cannot sit in the exit row,
16 and I gave her the reasons why. The woman,
17 who was Mrs. Dutt told Ms. Tahaira, in another
18 language, everything, Ms. Tahaira's nodding
19 her head, understanding, and Ms. Dutt said she
20 could sit there with her, and we said that's
21 fine, if that's okay.

22 And we left her alone, and she

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1 was--she sat there for a while. But--let me
2 go back. While I was talking to Ms. Dutt,
3 explaining, I was kind a down on my knees,
4 talking, and leaned over. Ms. Tahaira was
5 sitting in the aisle. Ms. Dutt was sitting in
6 the middle seat. And Ms. Tahaira popped me on
7 the face and went "pop, pop, pop" three times.

8 And I said, Ma'am, please do not
9 touch me. If you have anything you need,
10 please ask me or say excuse me. Do not touch
11 me, especially my face. And Ms. Dutt saw
12 that, and also she said that Ms. Tahaira had
13 been flying for 30 hours and came from
14 Pakistan to JFK to Seattle. She's very tired
15 and she wanted to lay down.

16 And that's when we said she can
17 lay in these seats, these seats, she can have
18 this whole row. And she told Ms. Tahaira.
19 Ms. Tahaira declined to sit there.

20 And Ms. Dutt said, What if she's
21 dying? Can she lay where she wants to lay?
22 And I said if she's dying, we'll land the

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1 plane right here where we're over--if we're
2 having a medical emergency. Are we having a--
3 is there a medical emergency?

4 And Ms. Dutt said no--she's just
5 saying that. So I said, well, if there's a
6 problem, let us know, and they seemed fine,
7 sitting together. We did not force Ms.
8 Tahaira to sit with Ms. Dutt. She took us to
9 Ms. Dutt. We assumed they were friends, and
10 I believe she said they were friends, but we
11 didn't--

12 Q Okay. When you were talking to
13 Ms. Tahaira and Ms. Dutt, and Ms. Dutt was
14 translating, did Ms. Tahaira say anything
15 about needing medication?

16 A No, ma'am.

17 Q Did Ms. Dutt say anything about
18 needing medication?

19 A No, ma'am.

20 Q Did Ms. Dutt say anything about
21 Ms. Tahaira being sick?

22 A No, ma'am.

1 Q Did Ms. Tahaira say anything about
2 being sick?

3 A No, ma'am.

4 Q Did she ask you for any other bag
5 that she had?

6 A No. She didn't. And she always
7 had her purse, because every time we moved her
8 she--we either--when we had to move her, we
9 took her purse and that's the--Rosie came up
10 with the idea and it was the best idea, to get
11 her to move. And then when Ms. Tahaira moved
12 herself, she always took her purse.

13 She always had her purse with her.

14 Q Okay. And did you ever prohibit
15 Ms. Tahaira from returning to her original
16 seat which was 9F?

17 A No, ma'am. We encouraged her to
18 go back to her original seat.

19 Q Did she ever ask you to allow her
20 to return to that seat?

21 A No.

22 Q Did she ever tell you she had

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1 forgotten something in the exit row seat?

2 A No, ma'am.

3 Q Do you have any idea how many
4 times she got in and out of the row 11 exit
5 row seats?

6 A I believe appropriation about 15
7 times. Between Rosie and I both moving her,
8 she--about 15 times, approximately.

9 Q Now you described physical contact
10 between yourself and Ms. Tahaira in the form
11 of touching of the face. Was there any other
12 physical contact--

13 A Yes.

14 Q --between you and Ms. Tahaira?
15 Can you describe that.

16 A After service, once we finally
17 finished service, which took us a good bit a
18 time, for such a short flight it took us a
19 long time because we were dealing with Ms.
20 Tahaira, all the flight attendants, we were
21 all three in the back galley, and Ms. Tahaira
22 walked to the back galley and looked at me and

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1 said, Everyone here is white. It's because I
2 am Muslim. That's why you won't let me lay
3 down."

4 Because by then--by then everyone
5 had moved. You know, on a aircraft, if you
6 see an empty row, you move there, if you have
7 another person in your row. So all the seats
8 had filled up. And I said, well--it just
9 shocked me, because I don't know her religion.
10 I have no idea.

11 She grabbed me by my left wrist
12 and pulled me, to start dragging me down the
13 aisle, to show me where everyone was laying
14 down.

15 I had to grab myself on the galley
16 counter to keep from falling forward. Even
17 though she is a small woman, she's got strong
18 hands and she grabbed my arm and pulled me,
19 and I said, ma'am, please do not grab me.

20 And Adrienne, the number three
21 flight attendant said, Ma'am, look--we have
22 accommodated you, we have tried to accommodate

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1 you--

2 MR. HILDES: Objection. Hearsay.

3 JUDGE GOODWIN: Overruled. You
4 can answer.

5 THE WITNESS: Keep going?

6 JUDGE GOODWIN: Yes.

7 THE WITNESS: Okay. Adrienne
8 said, Ma'am, we have tried to accommodate you,
9 you have not wanted to sit in any of the seats
10 we've offered you. From now on, you have to
11 sit in your original seat.

12 And then I walked with Ms.
13 Tahaira, because i thought maybe if someone
14 wasn't laying down in a row, if they're
15 watching TV, I could ask them to swap with
16 someone else so she could lay down.

17 But everyone was asleep, it was--
18 it was over halfway through the flight.

19 So I walked up the aisle with her,
20 and at that point she started screaming, in
21 the middle of the aisle.

22 "It's because I'm a Muslim. It's

1 because I'm a Muslim."

2 "You will not let me sit here
3 because I am Muslim."

4 She woke up everyone in that area.
5 She alarmed a few customers. A couple men
6 asked if I needed their assistance, because
7 they were worried, because she was raising so
8 much--her voice was so loud, and they were
9 worried.

10 And I said no, it's okay, and she
11 was pushing past us to sit in the exit row
12 again. And I said, ma'am, you cannot sit her
13 because you do not speak English. You told me
14 you do not speak English. And she was pushing
15 past me, I just walked up to the front, and I
16 called the captain, and I said, you know,
17 we've got a problem. She is pushing past us,
18 she just grabbed me, and I asked to have our--
19 we call it at JetBlue a Ground Security
20 Coordinator, like a gate agent, come to meet
21 the flight, just explain to her the whole
22 reason why she could not sit there.

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1 And the captain said no, if she's
2 pushing past you, she's going to push past
3 them. We need to have the police meet the
4 flight. So that was where we were at.

5 The pilots also gave us a great
6 idea, which was we'd turn the seat cushions
7 over during the flight, to make it less
8 desirable to sit there, and she still tried to
9 sit there and that wasn't safe. So we took the
10 cushions out and put them in the overhead bin.

11 No one was sitting in the--except
12 Laura Clampitt was sitting in the exit row,
13 but that was across the aisle.

14 So we put the seat cushions in the
15 overhead bin, to keep her from sitting there,
16 and she still even sat there on the metal bar.

17 Q And this was after Ms. Dutt had
18 explained to her, in her language, that she
19 could not sit there, and why?

20 A Yes, ma'am. I believe Ms. Dutt
21 explained--

22 MR. HILDES: Objection to the term

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1 "her language."

2 JUDGE GOODWIN: Overruled.

3 MR. HILDES: And objection to
4 hearsay as to what Ms. Dutt said. And if Ms.
5 Dutt is saying it to her in her language, how
6 is it that the witness understood it?

7 JUDGE GOODWIN: That's appropriate
8 for cross examination. Overruled. We'll get
9 there.

10 BY MS. HUBER:

11 Q Would you like me to ask the
12 question again.

13 A Yes, please.

14 Q Did Ms. Tahaira go back and sit in
15 the row 11 exit row seat after Ms. Dutt had
16 explained to her, in another language, you
17 can't sit there and this is why?

18 A Yes, ma'am.

19 MR. HILDES: Objection to
20 characterizations, and she--

21 JUDGE GOODWIN: Overruled.

22 MR. HILDES: --doesn't know what

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1 was explained in her language. Another
2 language.

3 THE WITNESS: Well, Ms. Dutt and
4 Ms. Tahaira were communicating and both of
5 them were understanding each other. And Ms.
6 Tahaira pinballed--went back and forth between
7 the exit row, her original seat and the seat
8 next to Ms. Dutt.

9 So when she would go to the exit
10 row, we would say, you know, "No, you can't
11 sit here," and she would either go back to 9F
12 or go to 16C to sit with Ms. Dutt.

13 When she would go to sit with Ms.
14 Dutt, I would tell her that please let her
15 know she cannot sit there, and Ms. Dutt would
16 speak to her in another language, I don't know
17 what language, but both of them understood
18 each other and Ms. Tahaira understood, and she
19 stayed there for, for the short time that she
20 was there, and then she'd forget--or whatever
21 she would do. She would be back in the exit
22 row shortly after.

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1 Q Now Ms. Stevens, Ms. Tahaira has
2 claimed in her defense, she was physically
3 incapable of assaulting you.

4 Did she appear to you to be
5 physically incapacitated?

6 A No, ma'am.

7 MR. HILDES: Objection. Calls for
8 expert opinion.

9 JUDGE GOODWIN: Overruled.

10 BY MS. HUBER:

11 Q Can you explain why you say no.

12 A Well, Ms. Tahaira was pretty
13 active during the flight. She was walking up
14 and down the aisles. Even when the seatbelt
15 sign was off, she would be out of her seat.
16 She was walking up and down the aisles
17 frequently. She popped me on my face. She
18 had dexterity enough to be able to reach up
19 and pop me on the face.

20 She grabbed my arm. She had
21 strength when she grabbed my arm. She pulled
22 me to where I almost fell. I had to brace

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1 myself.

2 And no, I don't believe she was
3 incapacitated.

4 Q Ms. Stevens, I'd like you to look
5 at--well, Complainant's Exhibit 12 for
6 identification there in front of you. Do you
7 see that?

8 A Yes, ma'am.

9 Q Do you recognize it?

10 A That's my arm. That's the bruise
11 she left on my arm.

12 Q Okay. Who took this photo?

13 A I did.

14 Q And how did you take a photo of
15 your arm?

16 A With my camera phone. Once I got
17 to the hotel room, a bruise--this bruise
18 formed pretty fast.

19 Q Do you still have that original
20 photo on your camera phone with you?

21 A Yes, ma'am.

22 Q Okay. Does this photo accurately

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1 depict the appearance of your wrist where Ms.
2 Tahaira grabbed you?

3 A Yes, ma'am.

4 MS. HUBER: The Agency offers
5 Complainant's Exhibit 12.

6 MR. HILDES: We're going to
7 object. It's a blurry photograph. It's not
8 clear, what it's a blurry photograph of, and,
9 in fact, the exhibit copy is actually less
10 blurry than the copy we were given in
11 discovery. The exhibit copy looks like it's
12 been enhanced, way above what the blurry copy
13 that I have is. We would object to this as
14 not being--as first being undiscernible as to
15 what it is and what it shows, and second of
16 all, for discovery violation.

17 I'm comparing the two pictures and
18 there is a significant enhancement in this
19 version versus the version we were given, even
20 though it's still blurry and undiscernible.

21 JUDGE GOODWIN: Overruled.
22 Exhibit 12 for identification is received into

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1 evidence as Exhibit 12.

2 [Complainant's Exhibit
3 No. 12, previously
4 m a r k e d f o r
5 identification, was
6 received in evidence]

7 BY MS. HUBER:

8 Q Okay. Ms. Stevens, I'd like you
9 to look also at Complainant's Exhibit 13,
10 there, in front of you.

11 A Yes, ma'am.

12 Q Do you recognize that photo?

13 A Yes, ma'am.

14 Q Who took this photo?

15 A This picture was taken, I believe,
16 by the police officer.

17 Q Okay. And does that accurately
18 depict the appearance of your arm after Ms.
19 Tahaira grabbed you?

20 A Yes. It shows the place where she
21 grabbed me. You can see, there's the thumb
22 print between the two bruises on each side,

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1 and that's exactly how it looked.

2 MR. HILDES: Your Honor, I'm going
3 to make the same objections. In addition,
4 lack of foundation as to chain of custody. We
5 don't know where this photograph came from.
6 The witness doesn't really know for sure who
7 took the photograph or how it got here, and
8 it's the same degree of blurriness as the
9 previous one and the same angle.

10 JUDGE GOODWIN: Overruled.
11 Exhibit 13 for identification is received in
12 evidence as Exhibit 13.

13 [Complainant's Exhibit
14 No. 13, previously
15 m a r k e d f o r
16 identification, was
17 received in evidence]

18 BY MS. HUBER:

19 Q Ms. Stevens, did you have any
20 preexisting bruises on that part of your arm
21 or wrist?

22 A No, ma'am.

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1 Q What happened after the flight?

2 A Once we landed, the police had
3 already been called, and they came on board
4 and asked a brief summary of what happened.
5 We explained to them what happened, and they
6 asked us to point out Ms. Tahaira to them as
7 she got off the aircraft. She did need a
8 wheelchair, so they had that wheelchair ready,
9 and they took her in the wheelchair and took
10 her up to the top of the jet bridge for
11 questioning.

12 They got all of our statements and
13 took the pictures.

14 Q Okay. Ms. Stevens, during the
15 flight, did Ms. Tahaira ever tell you that she
16 was going to file a complaint against you or
17 JetBlue?

18 A No, ma'am.

19 Q After the flight, did the police
20 interview you and take a statement?

21 A Yes, ma'am.

22 Q I'd ask you to look at the

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1 document in front of you, marked as
2 Complainant's Exhibit 14 for identification,
3 and ask if you recognize that.

4 A I do.

5 Q What is that?

6 A This is my incident report that I
7 wrote after the flight on our JetBlue
8 Internet, and this--I wrote this when I was
9 very tired. It had been a long flight, and I
10 have a lot of typos in here, and some things
11 weren't mentioned on here because I wrote it
12 very fast.

13 MR. HILDES: Your Honor, we're
14 going to object to this document. It's listed
15 as having an author of Janelle Ganoza. It
16 does not list Ms. Stevens as the author.
17 There's no certification of where this came
18 from. There's no chain of custody on this and
19 she's attributing something to herself, that
20 the document itself says she didn't write.

21 JUDGE GOODWIN: I'll allow further
22 inquiry.

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1 MR. HILDES: Did we hear what he
2 said? I'm sorry, Your Honor. We couldn't
3 hear that.

4 JUDGE GOODWIN: Well, I'll allow
5 Ms. Huber to ask additional questions in order
6 to clear up.

7 MS. HUBER: I'm sorry, Your Honor?
8 I couldn't hear you.

9 JUDGE GOODWIN: I said--the
10 objection is that this purports to be an e-
11 mail from Janelle Ganoza. So i think you need
12 a little more foundation.

13 MS. HUBER: Yes. I was trying to
14 get to that, Your Honor.

15 BY MS. HUBER:

16 Q Ms. Stevens, I'd like you to look
17 at the two pages of Complainant's Exhibit 14
18 for identification. Is that your signature on
19 the second page?

20 A Yes, ma'am. That's my signature
21 and I will explain this. After the flight, we
22 had about four different people asking us

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1 questions. We had the police department
2 there. We had JetBlue management there. We
3 also had Ms. Tahaira, we were keeping an eye
4 on. We had to also put our reports in with
5 the police officers, and at JetBlue, we have
6 our disturbance reports that we put in online.

7 So the customer service agent had
8 done me a favor by opening the page for me,
9 because I was talking with a police officer,
10 I wasn't able to give her my secure password
11 to log in under my name. So she put it under
12 hers, just so I could go ahead and get this in
13 the computer, so it would at least be there
14 for corporate security to look over.

15 MR. HILDES: Your Honor, I'm going
16 to object to this. We don't have a second
17 page. We were presented with a one-page
18 exhibit, and it's not something I've ever
19 seen. It's not something we received in
20 discovery.

21 Wait a minute. No. This can't be
22 the second page of this because this is an in-

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1 flight disturbance report, it's an e-mail, and
2 this is a Port of Seattle police department
3 form.

4 MS. HUBER: If you'd allow the
5 witness to finish explaining the foundation.

6 JUDGE GOODWIN: I'm going to
7 overrule the objection at this time.

8 BY MS. HUBER:

9 Q So Ms. Stevens, you were
10 explaining that Ms. Ganoza let you use the
11 computer to write your statement; is that
12 correct?

13 A Yes, ma'am. She had logged on for
14 me because the police officers were trying to
15 take a picture of my wrist. They were also
16 questioning me, and JetBlue management was
17 there questioning me. We had done a five-and-
18 a-half hour flight. We were very tired. We
19 also had a short layover at the hotel. She
20 was trying to help me out, and she logged in
21 under her name. The police officer got--used
22 this as my statement. This is my statement

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1 for the police officer, the Port Authority.

2 I signed it, and he read this over
3 with me, over my shoulder, and this was my
4 statement with the police.

5 Q Okay. So your statement actually
6 consisted of those two pages; is that correct?

7 A Yes. Page--yes. Two pages.

8 Q Is that why it's marked one of one
9 and two of two?

10 A Exactly.

11 Q And did you give those two pages
12 to the police?

13 A Yes, ma'am.

14 Q Okay. Does this statement
15 accurately reflect what you wrote, and is that
16 an accurate copy of the original which you
17 signed and submitted to the police?

18 A It does. Like I said, I was very
19 tired when I was typing this but this got the
20 gist of what happened.

21 MS. HUBER: The Agency offers
22 Complainant's Exhibit 14 for identification as

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1 Complainant's Exhibit 14.

2 MR. HILDES: We're going to object
3 on the same bases. Unless we have Ms. Ganoza
4 to testify that she did this by logging in and
5 allowing Ms. Stevens to write this under her
6 name, the document, on its face, does not
7 appear to be what she testifies that it is.

8 And we would object to it. We
9 would object for lack of foundation. We would
10 object to it as hearsay. We object to it as
11 an improper record.

12 JUDGE GOODWIN: The objection's
13 noted. The objection's overruled. The
14 exhibit will be admitted as Complainant's
15 Exhibit 14.

16 MR. HILDES: We note our objection
17 for the record.

18 [Complainant's Exhibit
19 No. 14, previously
20 m a r k e d f o r
21 identification, was
22 received in evidence]

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1 BY MS. HUBER:

2 Q Ms. Stevens, Ms. Tahaira has
3 claimed that she was harassed and abused by
4 JetBlue flight attendants on the flight, on
5 the basis of her race and religion. Can you
6 comment on that.

7 A She was not, at all. We don't see
8 anyone's--we don't know anyone's religion. I
9 don't know anything about anybody. But we are
10 there to perform our duties, we're there to
11 perform rules from the FAA, that we have to
12 comply with for our jobs. So that's all I was
13 doing, was my job.

14 Q Was Ms. Tahaira's behavior a
15 significant detraction from your job?

16 MR. HILDES: Objection. Asked and
17 answered.

18 JUDGE GOODWIN: Overruled.

19 MS. HUBER: Was it a significant
20 distraction for you?

21 THE WITNESS: It was a huge
22 distraction for the whole aircraft. A lot of

1 people did not get the JetBlue experience that
2 we try to give. Usually during a flight like
3 that, we can talk to customers and get to know
4 them. And we had no time. The whole flight,
5 we were constantly moving Ms. Tahaira from the
6 exit row to her original seat, and it was
7 very, very disruptive, very distracting.

8 BY MS. HUBER:

9 Q Do you know if she also distracted
10 the other flight attendants?

11 A Yes, ma'am. I do.

12 Q Ms. Tahaira has claimed that you,
13 the flight attendants, threatened her with
14 arrest. Can you comment on that.

15 A We never did. During one of the--

16 MR. HILDES: Your Honor, I'm
17 sorry, I'm going to object to this. I don't
18 know where Ms. Tahaira has claimed this. She
19 hasn't testified yet. She's being--this
20 witness is being asked questions about things
21 that there's no foundation for, that are not
22 before this court, and could not be before

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1 this court until Ms. Tahaira does testify, if
2 she does.

3 It's questions about things that
4 are being apparently pulled out of thin air.
5 Questions about was she harassed. This is a
6 civil penalty hearing, and they have gone
7 first.

8 JUDGE GOODWIN: Well, counsel, you
9 opened the door in cross examination. I'll
10 allow the question. The objection's
11 overruled.

12 BY MS. HUBER:

13 Q So Ms. Stevens, Ms. Tahaira's
14 claimed in her answer to the Complaint, and in
15 this letter that she sent to Inspector Hawks,
16 that she was threatened with arrest. Can you
17 comment on that.

18 MR. HILDES: I'm going to note an
19 objection again. The answer to this complaint
20 is not before this body.

21 JUDGE GOODWIN: Overruled.

22 MS. HUBER: Can you answer the

1 question.

2 THE WITNESS: Can you ask it one
3 more time, please. I'm sorry.

4 MS. HUBER: Yes. Did you, or to
5 your knowledge, Ms. Rojas, or Ms. Kate-
6 Sanchez, ever threaten Ms. Tahaira with
7 arrest?

8 THE WITNESS: No, ma'am.

9 MS. HUBER: Okay.

10 BY MS. HUBER:

11 Q What did you do?

12 A We--during some of the
13 conversations with Ms. Dutt, where we asked
14 Ms.--Ms. Dutt had offered to translate. When
15 we asked Ms. Dutt if she could just explain to
16 Ms. Tahaira her--the pilot, the pilot said to
17 let her know that we will have to have
18 authorities meet the flight if she does not
19 comply with crew member instructions.

20 So I let her know--and we were
21 talking the gate agents. We weren't talking
22 police at that point.

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1 So we--but it was a serious
2 matter. She was not complying with crew
3 member instructions. But we never told her it
4 was the police officers. But we told her that
5 the customer service agent would have to meet
6 the flight.

7 Q Did you have to remind Ms. Tahaira
8 to remain seated when the seatbelt light was
9 on?

10 A Many, many times.

11 Q And did you have any issues with
12 her getting up during the final approach?

13 A We actually found her, during our
14 final descent, as we're doing our final
15 compliance, she was in exit row sitting on the
16 metal bars, and we had to move her again,
17 which she was--and she never--she kept saying
18 she wanted to lay down, and that's what Ms.
19 Dutt told us. She never laid down in any of
20 the seats. She always sat down.

21 Q And did you ever observe her
22 taking any medication?

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1 A No, ma'am.

2 MS. HUBER: No further questions.

3 MR. HILDES: I'm actually
4 wondering, Your Honor, if we can take two
5 minutes. I ask that the clerk could copy
6 something for me. It's my fault for not
7 having copies. I apologize.

8 JUDGE GOODWIN: We don't have a
9 xerox. My suggestion would be, we're going to
10 be here tomorrow, make copies tonight and
11 bring them.

12 MR. HILDES: Okay. It's something
13 I need for this cross, Your Honor, but I will--
14 -

15 JUDGE GOODWIN: I understand that.
16 My suspicion is we're not going to finish with
17 this witness tonight.

18 MR. HILDES: That would be my
19 suspicion as well.

20 JUDGE GOODWIN: So if you want to
21 begin cross now. And I told both counsel,
22 we're going to break at 4:30. The reason is

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1 that the court security personnel go on
2 overtime at 5:00, and since we don't have it
3 in our budget to pay for their overtime, as I
4 said in the hearing notice, that's why we
5 normally break at 4:30. Hopefully, we'll be
6 able to start at 9:00 tomorrow.

7 Now what you may want to do, Mr.
8 Hildes, as you start cross, as you get to a
9 point between now and 4:30 where the line of
10 questioning would--your thought process would
11 go beyond 4:30, even if it's 4:20, 4:25, you
12 may want to break so as not to lose your train
13 of thought.

14 Having been on the other side of
15 this bench many times, I used to dread when
16 I'd be in--you know, you just, you knew this
17 was Supreme Court, this was textbook material,
18 and the judge would interrupt you and say
19 we're going to lunch or break or dinner, and
20 I don't want to put any of you in that
21 situation.

22 So if you get to a convenient

1 intellectual breaking point and want to break
2 at that point, we'll do so.

3 MR. HILDES: Great. Thank you,
4 Your Honor. I appreciate that. So, where do
5 we start?

6 CROSS EXAMINATION

7 BY MR. HILDES:

8 Q So you mentioned, several times,
9 that Ms. Tahaira gave you blank looks and she
10 didn't understand your instructions; is that
11 right? And that's why she couldn't sit in
12 the emergency exit row?

13 A No. The reason she could not sit
14 in the emergency exit row is because she told
15 me she does not speak English.

16 Q And you believed that she did not
17 speak English well enough; correct?

18 A I spoke with her and she did not
19 speak English clear enough.

20 Q Okay. She did not speak English
21 clear enough.

22 A I showed her the safety

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1 information card. I don't know if you heard.

2 I showed her the safety information card.

3 Q I heard everything you said.

4 Trust me.

5 A I showed her the safety

6 information card and asked her if she could

7 read the paragraph on the safety information

8 card, and she threw it on the floor and said

9 no.

10 Q It's actually not the question I'm

11 asking you. But okay.

12 A Okay.

13 Q So she could not--so you picked up

14 her purse and led her back to her seat?

15 A When we could not get her to move,

16 that's what we did, and she jumped up

17 immediately and followed us to her seat.

18 Q Like you would lead a dog with a

19 biscuit; is that right?

20 MS. HUBER: Objection.

21 JUDGE GOODWIN: Sustained.

22 MR. HILDES: How would you feel if

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1 somebody picked up your purse and led you
2 where they wanted you to go, if that wasn't
3 somebody you knew? Wouldn't feel good, would
4 it? You may answer the question, Ms. Stevens.

5 JUDGE GOODWIN: Counsel, I'm not
6 going to let you argue with a client. If you
7 have a question that's pertinent, relevant and
8 material to the case, I'll allow it. To
9 badger the witness with comments like that is
10 not appropriate.

11 MR. HILDES: Understood. I
12 apologize, Your Honor.

13 BY MR. HILDES:

14 Q How would that make you feel?

15 A I don't believe this is part of
16 the case.

17 Q You don't get to make that
18 decision. I ask a question--

19 JUDGE GOODWIN: Just answer the
20 question.

21 THE WITNESS: Okay. If I wasn't
22 understanding someone, and if I was in a

1 country where they spoke a different language,
2 and that was the only way, a nonverbal
3 communication, and that worked, as long as
4 they weren't opening my purse and taking stuff
5 out, I would not--it--

6 MR. HILDES: Has it ever happened
7 to you? Has anyone ever picked up your purse
8 so you would follow them?

9 THE WITNESS: No, sir.

10 BY MR. HILDES:

11 Q But it wouldn't bother you?

12 A No.

13 Q Wouldn't strike you--

14 MS. HUBER: Objection.

15 MR. HILDES: --as extremely
16 patronizing?

17 JUDGE GOODWIN: Sustained.

18 BY MR. HILDES:

19 Q And you claim that there were a
20 couple of--that other passengers were
21 disturbed by this incident?

22 A Yes. I do.

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1 Q Do you know any of their names?

2 A No. I did not get their names.

3 Q None of them spoke to the police,
4 did they?

5 A We did not ask them to.

6 Q None of them are here today, to
7 your knowledge, are they?

8 A No. We did not ask them to be
9 here.

10 Q Can you physically describe any of
11 these passengers?

12 MS. HUBER: Objection.

13 JUDGE GOODWIN: Overruled.

14 MR. HILDES: You may answer the
15 question.

16 THE WITNESS: they were two men
17 that looked like they could handle a
18 situation, if needed, and they were a little
19 worried because we had a woman screaming in
20 the middle of the aisle, "It's because I'm
21 Muslim. It's because I'm Muslim."

22 MR. HILDES: I'm not asking you

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1 what she said. I'm asking you what they
2 looked like.

3 THE WITNESS: They looked worried,
4 and they were very strong.

5 BY MR. HILDES:

6 Q What were they wearing?

7 A I don't--this flight happened
8 almost six months ago. I--

9 Q Well, you can remember--

10 A I've done tons of flights since.
11 I do not remember individual people. I'm
12 sorry.

13 Q But you can remember a lotta
14 details, in perfect accuracy. You can't
15 remember--did they have dark hair, light hair,
16 short hair, long hair?

17 A I believe one was blond and one
18 had a hat on, but I don't remember--I don't
19 think that's important, though. But I don't
20 remember what they looked like. I didn't want
21 to get them involved in the situation.

22 Q And they're not, are they?

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1 They're not here.

2 A Right.

3 Q The only passenger who gave a
4 statement was Ms. Dutt; right?

5 A Actually, I think Ms. Dutt only
6 wrote a letter in; but she did not give a
7 statement to the police, that I know of.

8 Q She wrote a letter, under penalty
9 of perjury. Do you know what that means?

10 A No, sir.

11 Q It means you can go--

12 MS. HUBER: Objection.

13 MR. HILDES: --to prison if you
14 lie.

15 JUDGE GOODWIN: Counsel, if you
16 have a question, ask the question.

17 BY MR. HILDES:

18 Q And have you seen that letter from
19 Ms. Dutt?

20 A Yes, sir. I have. I've seen it;
21 yes.

22 Q When have you seen this letter?

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1 A I'm not sure. When all of this
2 started transpiring, I received this letter
3 from Karen Huber, along with the other letters
4 from Ms. Tahaira's son and from Ms. Tahaira.

5 Q What else did you review in
6 preparation for being here today?

7 A All of my notes that I wrote on
8 board during the flight, because I knew that
9 I would have to write an incident report once
10 we landed.

11 Q You wrote notes on board?

12 A Yes, sir.

13 Q Do you have those notes?

14 A I didn't bring them with me but I
15 sure can get them for you.

16 MR. HILDES: Please do. Your
17 Honor, we're going to object, and we're going
18 to move to dismiss on basis of discovery
19 violations. We asked specifically for all
20 notes written by all witnesses. We received
21 nothing. We received reports. We did not
22 ever receive notes, and these notes are

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1 clearly germane, and they clearly go to the
2 witnesses' credibility, and we specifically
3 asked for them.

4 JUDGE GOODWIN: Ms. Stevens, do
5 you live in the area?

6 THE WITNESS: No, sir. I live in
7 Marietta, Georgia. Can I say something?

8 JUDGE GOODWIN: Do you have the
9 notes available?

10 THE WITNESS: Well, actually, the
11 notes that I wrote, it's verbatim of the
12 incident report that you have as Exhibit 14.

13 MR. HILDES: Your Honor, I would
14 want to see those notes--

15 THE WITNESS: That's verbatim.

16 MR. HILDES: --for comparison.

17 THE WITNESS: That's what I used
18 to write the report, because it's verbatim,
19 word for word.

20 JUDGE GOODWIN: Let me understand
21 this. Fourteen is what you put into the
22 computer.

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1 THE WITNESS: Correct.

2 JUDGE GOODWIN: Right. Are there
3 any other documentation, other than that? Any
4 written documentation?

5 THE WITNESS: No, sir.

6 JUDGE GOODWIN: Okay. The
7 objection's overruled.

8 MR. HILDES: Note our objection
9 for the record as a basis for appeal.

10 JUDGE GOODWIN: Counsel, the
11 witness has just stated there's no other
12 written documentation. I note your objection.
13 But her comment is there's no other written
14 documentation.

15 MR. HILDES: She's already
16 described these notes. We haven't seen the
17 notes. With all due respect to the witness,
18 Your Honor, we would prefer to compare them
19 ourselves and see if they're verbatim.
20 There's no reason to believe they are.

21 JUDGE GOODWIN: Ms. Stevens, is
22 there any other written documentation, notes

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1 of any kind, that exist, from the time of the
2 incident until today, that you wrote about
3 this incident?

4 THE WITNESS: No, sir. I promise,
5 I swear, it's exactly verbatim. That's how--
6 because I knew we were gonna go to the hotel,
7 we had a short layover, and I wanted to make
8 it as fast as possible. And it's verbatim.

9 JUDGE GOODWIN: But did you write
10 any notes while you were in flight on
11 anything?

12 THE WITNESS: That was this. I
13 wrote notes and then I wrote it into a
14 summary, and it's exactly this.

15 JUDGE GOODWIN: Okay. But what
16 happened to those?

17 THE WITNESS: They are--I threw
18 them away. I just have--I have this--I have
19 this and then I have the paper that's exactly
20 verbatim that I have written the notes on.

21 The format exact--this is exactly
22 what I have.

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1 JUDGE GOODWIN: Is there anything
2 else that's in writing, any place?

3 THE WITNESS: No, sir.

4 JUDGE GOODWIN: The objection's
5 still overruled. It's an administrative
6 proceeding. It's not a criminal case. If it
7 were a criminal case, we might be some place
8 else; but we're not.

9 MR. HILDES: But the problem, Your
10 Honor, is even in a civil proceeding,
11 administrative proceeding, destruction of
12 evidence still--

13 JUDGE GOODWIN: There's nothing to
14 indicate that there was a mischievous
15 destruction of evidence.

16 MR. HILDES: She just said she--

17 JUDGE GOODWIN: Now if you can--if
18 you--

19 MR. HILDES: I'm sorry, Your
20 Honor.

21 JUDGE GOODWIN: Go ahead, counsel.

22 BY MR. HILDES:

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1 Q And you gave statements that you
2 claim Ms. Dutt said, and you reviewed her
3 letter; right?

4 A I did review her letter.

5 Q And her letter totally contradicts
6 what you say she said; doesn't it?

7 A It sure does.

8 Q Who's lying?

9 A You want me to answer that?

10 Q Oh, yes. I want you to answer
11 that.

12 A Is that allowed? I believe Ms.
13 Tahaira and Ms. Dutt and her son are all
14 lying, because we witnessed--I have no reason
15 to lie. This is a burden for me to come here
16 from where I live, across the country, to do
17 this. This is my off-time from work. This is
18 not fun for me.

19 Q And you imagine this is fun for
20 Ms. Tahaira who had to leave the--

21 MS. HUBER: Objection.

22 MR. HILDES: --courtroom in tears?

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1 JUDGE GOODWIN: Sustained.

2 MR. HILDES: So you claim that
3 they all got together and lied? All three--

4 MS. HUBER: Objection.

5 MR. HILDES: --of them?

6 JUDGE GOODWIN: Counsel, that's
7 not where her testimony is.

8 MR. HILDES: And the FAA paid for
9 your flight here, didn't they?

10 THE WITNESS: They will. They're
11 going to reimburse me.

12 MR. HILDES: And hotel? And
13 meals?

14 THE WITNESS: They're going to--
15 JetBlue. We got a good deal.

16 MS. HUBER: Objection.

17 MR. HILDES: So you're getting a
18 vacation out of this.

19 THE WITNESS: No, sir. I'm not
20 getting a vacation. This is not fun.

21 BY MR. HILDES:

22 Q Now if the incident happened the

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1 way Ms. Dutt, in her letter under--in her
2 statement under penalty of perjury says it
3 happened, you'd get in trouble with the
4 airline, wouldn't you, for doing this?

5 A I'd get in huge trouble.

6 Q So you have a real incentive to
7 say it happened the way you want it to have
8 happened, because otherwise you'd get--

9 MS. HUBER: Objection.

10 JUDGE GOODWIN: Overruled.

11 BY MR. HILDES:

12 Q Now Ms. Dutt says that Ms. Tahaira
13 was sick, doesn't she?

14 A In the letter, the letter states
15 that Ms. Tahaira said that she was sick.

16 Q And you're saying she never said
17 that?

18 A She never told us she was sick.

19 Q That's funny, because Ms.
20 Clampitt, the flight attendant who was sitting
21 right across the aisle--

22 MS. HUBER: Objection.

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1 MR. HILDES: --said, in her
2 testimony, that Ms. Tahaira said she needed to
3 lie down because she was sick. So is she part
4 of this conspiracy too? Is she lying right
5 along with them?

6 JUDGE GOODWIN: I'm going to
7 overrule the objection. You may answer the
8 question.

9 THE WITNESS: I don't believe Ms.
10 Clampitt was lying.

11 MR. HILDES: But she says the same
12 thing that Ms. Dutt said, that Ms. Tahaira
13 told you she was sick and needed to lie down.
14 So you believe it when Ms. Clampitt said it.

15 JUDGE GOODWIN: Counsel, I don't
16 believe that that's precisely what the
17 testimony was, and the court will have the
18 transcript with the testimony when it reviews
19 the case. I'm not interested in either
20 party's characterization of what that
21 testimony is.

22 BY MR. HILDES:

1 Q And while we're on the subject,
2 you say that she didn't have any difficulty
3 walking?

4 A Correct.

5 Q She got on and off the plane with
6 a wheelchair.

7 A Correct.

8 Q Do you have any medical training
9 or knowledge to--

10 A I do.

11 Q What do you have?

12 A I went to nursing school and I
13 worked at a hospital for five years as a nurse
14 tech.

15 Q So therefore you know whether a
16 disabled person can walk without difficulty or
17 not?

18 A I have a pretty good idea.

19 Q Well, did you ask her if she had
20 difficulty walking since she's in her body and
21 you're not?

22 A I don't know if you heard me say

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1 this but we had a really hard time
2 communicating with her. She spoke broken
3 English.

4 Q So you never bothered to ask her
5 if it was hard for her to walk. You just
6 assumed it wasn't? You can answer that.

7 A I didn't assume anything.

8 Q Well, then why are you saying that
9 she didn't have any difficulty walking? If
10 you're not assuming it, where are you getting
11 this--

12 MS. HUBER: Objection.

13 MR. HILDES: --information from?

14 JUDGE GOODWIN: Overruled.

15 THE WITNESS: Do I answer that?

16 JUDGE GOODWIN: Yes.

17 THE WITNESS: Okay. She--Ms.
18 Tahaira told us she wanted to lay down,
19 because she said she--she told us she was
20 sick, or Ms. Dutt told us, said that she was
21 sick. Ms.--we accommodated her as best as we
22 could, and told her here are some empty rows,

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1 you can lay here, you can lay here. She did
2 not want to lay down. She never laid down the
3 whole time.

4 MR. HILDES: I'm not--that's not
5 what I'm asking you.

6 JUDGE GOODWIN: Counsel, allow her
7 to answer the question.

8 MR. HILDES: Her answer is
9 nonresponsive. She's answering a different
10 question.

11 THE WITNESS: Tell me again.

12 JUDGE GOODWIN: I'll make that
13 determination. Go ahead.

14 THE WITNESS: Ask your question
15 one more time, please. I'm sorry.

16 BY MR. HILDES:

17 Q You never asked Ms. Tahaira if she
18 had difficulty walking. You just assumed she
19 didn't?

20 A I saw that she had no difficulty
21 walking, and if she did have difficulty
22 walking and asked for help, I would have

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1 helped her. But that--I don't know what that--
2 -what you're--what that--she could not sit in
3 the emergency exit row because she did not
4 speak, understand English, and she could not--

5 MR. HILDES: Move to strike as
6 nonresponsive. I'm asking about walking, not
7 about--

8 THE WITNESS: Walking. She had no
9 problem walking.

10 BY MR. HILDES:

11 Q What was your nursing specialty?

12 A Medical surgical, maternity,
13 oncology, breast feeding. Home health care.

14 Q I'm not hearing orthopedics
15 anywhere in there.

16 A I worked orthopedics for a little
17 bit also.

18 Q Did you make conclusions as to
19 whether your patients could walk without
20 difficulty when they came in to you?

21 MS. HUBER: Objection.

22 JUDGE GOODWIN: I'm going to

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1 sustain that objection.

2 BY MR. HILDES:

3 Q Now moving on to another matter
4 where we appear to have a discrepancy, you
5 claim that the captain made the decision to
6 call the police; right?

7 A Correct.

8 Q First officer testified, a couple
9 hours ago. he said they didn't make that
10 decision on the flight deck. That JetBlue
11 internal security made the decision--

12 MS. HUBER: Objection.

13 MR. HILDES: --to have the police
14 come.

15 JUDGE GOODWIN: Counsel, that's
16 not what the first officer testified to. Now
17 if you've got a question that you'd like to
18 ask that's fine. But that's not what the
19 testimony was.

20 MR. HILDES: You can stop smirking
21 now, Ms. Stevens.

22 JUDGE GOODWIN: Counsel, I'm not

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1 going to allow you to badger the witness.

2 MR. HILDES: I'm sorry, Your
3 Honor. I find it offensive. This woman is
4 suffering and--

5 JUDGE GOODWIN: Counsel--

6 MR. HILDES: --Ms. Stevens is
7 smirking.

8 JUDGE GOODWIN: --that's argument
9 for mitigation. Let's get on with the case.

10 BY MR. HILDES:

11 Q Okay. Then you characterize Ms.
12 Tahaira as going back to that seat at least 15
13 times.

14 A Approximately. Probably 15 times.

15 Q Now you saw Ms. Clampitt; right?
16 She's sitting right across the aisle?

17 A Correct.

18 Q She said no more than five times.
19 How do you explain that?

20 A Well, if you've ever flown a
21 transcon flight before, you usually fall
22 asleep at some point. She may not have seen

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1 the whole incident. I know that I moved her
2 about seven or eight times. I know Rosie
3 moved her about seven or eight times. I know
4 that it disrupted my service. I know that it
5 disrupted our passengers. So--

6 Q Okay. We're going to move on to
7 the next thing.

8 A Okay.

9 Q Why is the--now you've looked at
10 these pictures; right? The pictures you took
11 are blurry because you're taking them with
12 your own camera.

13 A Yes. It's a old camera phone.
14 It's not a new one.

15 Q Why are the pictures--why is the
16 picture taken by the police just as blurry as
17 yours?

18 A Well, I have no idea. I just saw
19 the pictures the first time yesterday.

20 Q What color was your bruise when
21 these pictures were taken, because you can't
22 really tell anything from that picture?

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1 A Like a reddish-brownish color.

2 Q So it was brownish already?

3 A Well, I mean, from looking at
4 these pictures--I don't remember, exactly, at
5 that time.

6 Q So you don't remember. So--

7 A I don't remember--I mean--

8 Q If Laura Clampitt testifies that
9 it was blue in the middle; is that possible?

10 A Sure; it's possible.

11 Q Within an hour or two of the
12 supposed incident, the bruise is already blue?
13 It doesn't happen that fast, does it?

14 MS. HUBER: Objection.

15 JUDGE GOODWIN: Overruled.

16 MR. HILDES: How many times have
17 you--you can answer the question by the way.
18 I'm sorry. I moved on without you answering.

19 It doesn't happen that fast, does
20 it?

21 THE WITNESS: I do not remember
22 exactly what color the bruise was but it

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1 formed fairly fast, had a distinguished
2 thumbprint. You cannot--these pictures, I
3 admit, are not the best pictures. They
4 weren't professional pictures. But there was
5 the thumbprint in the middle where her thumb
6 landed on me when she grabbed me.

7 BY MR. HILDES:

8 Q You can't see that in those
9 pictures, can you?

10 A Yes, I can. Right here.

11 Q That's because you know where
12 you're saying it is.

13 A Cause I know my body.

14 Q Did you get medical treatment for
15 this bruise?

16 A No, sir.

17 Q No medical reports at all?

18 A I don't know if you've ever had a
19 bruise before, but you don't usually get
20 medical attention for just a bruise.

21 Q Even when it occurs because of a
22 supposed assault? You don't get medical

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1 documentation?

2 A No, sir.

3 Q Why not?

4 A I just didn't.

5 Q Do you ever bruised--have you ever
6 gotten bruised, being bumped or bumping into
7 something while on a flight when there's
8 turbulence? You get thrown into the seats.
9 You get thrown into the bulkhead. That ever
10 happen to you?

11 A Not that I now of.

12 Q How many years have you been
13 flying?

14 A A little bit over five and a half.

15 Q And you've never gotten a bruise
16 while walking around a plane?

17 A Not that I know of. I'm sorry.

18 Q Not that you know of? You don't
19 know whether you've gotten a bruise--

20 JUDGE GOODWIN: Counsel, she's
21 answered the question.

22 MR. HILDES: It's not something

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1 that stands out in your mind, is it?

2 THE REPORTER: Did you answer
3 that?

4 THE WITNESS: No. I'm sorry. It
5 was no.

6 BY MR. HILDES:

7 Q Okay. Now I'm going back to Ms.
8 Dutt's statement again, which you have
9 reviewed. According to her, you all brought
10 Ms. Tahaira to her; not the other way around.
11 Any idea why she said that?

12 A No. I have no idea why she said
13 that. But I know what happened on board. Ms.
14 Tahaira got up out of her seat, very easily,
15 walked, goes past rows E and I, like I said
16 before, went to Ms. Dutt, spoke to her in
17 another language, they were both
18 communicating, both nodding, understanding
19 each other. Ms. Dutt said: "I can translate."
20 So to me, that means she can help us.

21 I don't know what language Ms.
22 Tahaira speaks and I was not able to

1 communicate with her in English.

2 Q She very clearly says you brought
3 her to her, because they look similar, they
4 both look South Asian.

5 MS. HUBER: Objection.

6 MR. HILDES: Both got brown skin;
7 right? Do you know of any reason--

8 JUDGE GOODWIN: I will sustain--

9 MR. HILDES: --Ms. Dutt has to
10 lie?

11 JUDGE GOODWIN: Counsel, I'm going
12 to sustain that objection.

13 MR. HILDES: Understood.

14 BY MR. HILDES:

15 Q Do you know of any reason Ms. Dutt
16 has to lie?

17 A I have no idea. I have no idea.
18 I just know what happened on board.

19 Q So you know of no reason why she
20 would lie about this incident? She's not--

21 MS. HUBER: Objection.

22 JUDGE GOODWIN: Asked and

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1 answered. Sustained.

2 BY MR. HILDES:

3 Q No police report was filed about
4 Ms. Dutt; right?

5 A Ms. Dutt did not stick around to
6 file a police report.

7 Q You didn't point her out to the
8 police and have her arrested; right?

9 A Ms. Dutt did not cause a
10 disturbance on board.

11 Q So she has no incentive to lie,
12 does she?

13 A I do not know what goes through
14 Ms. Dutt's mind. I'm sorry.

15 Q And she's the only passenger who
16 wrote a statement, on either side, isn't she?

17 A I believe so.

18 Q And she says that you--

19 MS. HUBER: Objection. Counsel's
20 testifying.

21 MR. HILDES: I'm using the
22 statement.

1 JUDGE GOODWIN: Stick to the
2 statement, counsel.

3 MR. HILDES: Yes. In the
4 statement, she says that you asked her to
5 translate, which is something she wasn't
6 comfortable with because it requires an
7 assumption that, after all, they all speak the
8 same language.

9 THE WITNESS: Is that--what was
10 the question?

11 MR. HILDES: The question is why
12 does she say that you told--asked her to
13 translate, when you insisted she volunteered?

14 THE WITNESS: I have no idea why
15 she said that. Ms. Tahaira--I'll repeat this
16 the third time now. Ms. Tahaira got out of
17 her seat--while she was seated, she got out of
18 the exit row seat she was in when we asked her
19 to move. She was not understanding us. She
20 got up, pushed past Rosie and I both, and
21 started walking towards the aft, the back of
22 the cabin.

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1 We did not know where she was
2 going. We figured she was going to sit in one
3 of the rows we had shown her to sit, that was
4 open.

5 MR. HILDES: Your Honor, this is
6 not the question.

7 THE WITNESS: Hold on, please.

8 JUDGE GOODWIN: Counsel, allow her
9 to--

10 THE WITNESS: Thank you. And Ms.
11 Tahaira sat next to Ms. Dutt and started
12 communicating with her in another language,
13 and Ms. Dutt said to me, "I can translate,"
14 because Ms. Tahaira was not understanding us
15 in English, and we assumed that maybe Ms.
16 Tahaira and Ms. Dutt spoke out in the gate
17 area, because Ms. Tahaira went straight to Ms.
18 Dutt's seat.

19 BY MR. HILDES:

20 Q Because you took her there; right?

21 A Wrong.

22 Q So you assumed that they had

1 spoken before. According to Ms. Dutt's
2 statement, they'd never seen each other
3 before.

4 MS. HUBER: Objection.

5 MR. HILDES: How would Ms.
6 Tahaira--how would Ms. Tahaira know that Ms.
7 Dutt spoke the same language?

8 THE WITNESS: Well, there's--I
9 have no idea. But Ms. Tahaira, fourth time,
10 took us to Ms. Dutt and--

11 MR. HILDES: Your Honor I've heard
12 this answer before.

13 THE WITNESS: --she spoke to us--

14 MR. HILDES: I would ask that we--

15 JUDGE GOODWIN: Counsel, you keep
16 asking the question.

17 THE WITNESS: It's the same
18 question.

19 MR. HILDES: It's not the same
20 question.

21 BY MR. HILDES:

22 Q Do you know how many languages are

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1 spoken in South Asia?

2 MS. HUBER: Objection.

3 JUDGE GOODWIN: Sustained.

4 MR. HILDES: Do you know how many
5 hundreds? You assumed that out of those
6 hundreds of languages, they spoke the same
7 one--

8 MS. HUBER: Objection.

9 MR. HILDES: --because they both
10 looked South Asian; isn't that right?

11 JUDGE GOODWIN: Counsel, you're
12 badgering the witness. She has responded to
13 at least three inquiries.

14 MR. HILDES: She also--Ms. Dutt--
15 says that she heard you threaten to have Ms.
16 Tahaira arrested. Do you know any reason she
17 would say that, except that it's true?

18 THE WITNESS: That's not true. I
19 did not ever--we did not ever discuss anything
20 about an arrest. I felt sorry for her because
21 Ms. Tahaira traveled from Pakistan to New York
22 to Seattle by herself.

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1 When we landed, the police
2 officers spoke with Ms. Tahaira's son and he
3 told the police officers that Ms. Tahaira had
4 psychiatric issues also, which made it
5 understanding--it helped us understand why--

6 MR. HILDES: We're off the
7 question and into multiple levels of hearsay,
8 Your Honor.

9 JUDGE GOODWIN: Well, counsel,
10 you've opened the door.

11 THE WITNESS: So that was--

12 MR. HILDES: All right. Go ahead
13 and finish.

14 That's interesting, Ms. Stevens,
15 because Ms. Tahaira's son wasn't even there
16 yet--

17 THE WITNESS: I know.

18 MR. HILDES: --when the police
19 spoke with her. You know.

20 THE WITNESS: You know what?

21 MR. HILDES: Then why are you
22 saying that she spoke with the--that he spoke

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1 with the police at that time, when it didn't
2 happen?

3 THE WITNESS: It was on a cell
4 phone, because that was the number she had
5 with her, and it was--her son was supposed to
6 pick her up when we landed. We were actually
7 late. We stayed behind about an hour and a
8 half filing police reports and answering
9 questions. Her son was still not at the
10 airport to pick his mother up, which I felt
11 bad for her.

12 BY MR. HILDES:

13 Q So how did he have this
14 conversation with the police that you could
15 hear--

16 A Again, on a cell phone.

17 Q --if he wasn't there?

18 A Cell phone.

19 Q So you were hearing both ends of
20 the conversation?

21 A That's what the police officer
22 told us.

1 Q Oh. Now you're telling me what
2 the police officer told you Ms. Tahaira's son
3 said?

4 A I am.

5 Q Which police officer?

6 A Oh, I don't know if his name's on
7 the police report.

8 Q You don't know, offhand?

9 A I don't know what his name--it
10 was--

11 Q You're just going to pick one out
12 of the police report, or do you know which one
13 it was?

14 A No. I don't--I don't know his
15 name, but--

16 Q What did he look like?

17 A Tall. Blond hair. Kind a buzz
18 cut.

19 Q You do realize you just described
20 70 percent of the Seattle police, don't you?

21 MS. HUBER: Objection.

22 JUDGE GOODWIN: Sustained.

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1 BY MR. HILDES:

2 Q How do you know--how did you know
3 then, that Ms. Tahaira had flown by herself
4 all the way from Pakistan?

5 A Ms. Dutt told me.

6 Q Ms. Dutt told you.

7 A Ms. Dutt told me that she--Ms.
8 Tahaira just wanted to lay down because she
9 had traveled from Pakistan to JFK to Seattle,
10 and she was very tired. I empathized with
11 her. I know how it is to fly a long time.
12 that's why Rosie and I both, many times,
13 looked for empty rows, and showed Ms. Tahaira
14 the empty rows to sit in. Ms. Tahaira
15 declined to sit there and she wanted to go
16 back to the exit row, or with Ms. Dutt.

17 She sat herself in either of those
18 seats.

19 Q Then why does Ms. Dutt say that
20 didn't happen?

21 A I have no idea.

22 Q You have no idea. Why did Ms.

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1 Dutt further say that you wouldn't let Ms.
2 Tahaira sit in the exit rows?

3 A I have no idea.

4 Q "I'm not sure why the flight
5 attendants would not let Talat move to an
6 empty row, seat like several other passengers.
7 In fact you gave her that little smirk and you
8 said they paid for those seats--

9 MS. HUBER: Objection.

10 MR. HILDES: --that's why they can
11 lie down on them; isn't that true?

12 JUDGE GOODWIN: Overruled.

13 MR. HILDES: Isn't that true?

14 THE WITNESS: Actually, Ms.
15 Tahaira wanted us to wake customers up so she
16 could lay down. We do not do that at JetBlue.
17 She had many--many chances to lay down, she
18 did not, and at that point she was--there was
19 nowhere for her to sit. There was nowhere for
20 her to lay down, to have a whole seat bank by
21 herself.

22 She was given many chances to sit

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1 there and she declined.

2 BY MR. HILDES:

3 Q You know, you never said before,
4 in writing, or on direct, or even on cross,
5 that she wanted you to wake up other
6 passengers and there were no rows to sit in.
7 In fact, what you said, about 40 minutes ago,
8 was, oh, there were five or ten empty rows.
9 At any point in the flight, she could have
10 moved to them.

11 Now you're saying there no longer
12 were. Which is true, Ms. Stevens?

13 A Well, that's the truth, because at
14 the beginning of the flight, we had about five
15 or six empty seat banks, that we showed her
16 that we could move her to. As the flight--if
17 you've been on a transcontinental flight, as
18 it goes on, as you know, if you get up to go
19 to the bathroom, you see a empty row, you just
20 park yourself there if you already have
21 someone there.

22 So as the flight progressed, the

1 seats filled up, and this is normal. People
2 lay down. People were all asleep. So both of
3 those statements are true.

4 Towards the end of the flight,
5 there were no empty rows except the exit row,
6 and she could not sit there. She was not
7 qualified.

8 Q Then why did you, 40 minutes ago,
9 say that at any time during the flight she
10 could have gotten into one of those rows?
11 Those rows were there the whole flight?

12 MS. HUBER: Objection.

13 JUDGE GOODWIN: Counsel, that's a
14 mischaracterization of the testimony.

15 MR. HILDES: I would respectfully
16 suggest that a transcript review might help us
17 all.

18 JUDGE GOODWIN: Well, I will
19 review the transcript at the time the
20 decision's written.

21 MR. HILDES: I apologize, Your
22 Honor.

1 BY MR. HILDES:

2 Q Now you also testified as to a
3 discussion about what if she's dying, what if
4 she gets really sick, and you say that you
5 testified that you said, well, then if it's an
6 emergency, we'll land the plane.

7 Isn't the truth what you--and now
8 you're shaking your head as if you didn't say
9 that.

10 A That's not the correct words I
11 said, though.

12 Q No, because the correct words you
13 said are, well, if you have--what if I have a
14 heart attack? Well, if--and die. Well, if
15 you die, then we'll throw you off the plane.

16 Isn't that what you said?

17 MS. HUBER: Objection.

18 JUDGE GOODWIN: Counsel, stop
19 arguing. If you've got a question, ask it.
20 But badgering the witness doesn't impress me,
21 and it's not going to help the case.

22 BY MR. HILDES:

1 Q You made a joke out of it, didn't
2 you? You told her, well, if you have a heart
3 attack and die, we'll just toss your body off
4 the plane. That's what you said, isn't it?

5 A Where is this coming from?

6 JUDGE GOODWIN: Just answer the
7 question, yes or no.

8 MR. HILDES: The person who you
9 said it to.

10 THE WITNESS: I never said that.
11 No, I never said anything about throwing a
12 body off the plane.

13 MR. HILDES: You also never said
14 anything about well, if it's an emergency,
15 we'll have the pilot land, did you?

16 THE WITNESS: Do you want me to
17 repeat what I said to her, what happened? Is
18 that what you're getting at?

19 MR. HILDES: I want you to repeat
20 what you're saying you said to her when it
21 happened; yes.

22 THE WITNESS: Ms. Dutt translated

1 to me and said: What if she's dying? Can she
2 lay there? And I said if she's dying, we will
3 land the plane right here--I've diverted
4 before for medical emergency. That's what I'm
5 thinking. If she--if there's a problem. I
6 said: is there a problem? And she said: No.
7 She's just saying that. So that--

8 MR. HILDES: She said no--Ms. Dutt
9 said no, she's just saying that?

10 THE WITNESS: After she spoke to
11 her in another language, and Ms. Tahaira
12 nodded. They were in agreement. Ms. Dutt
13 said no, she's just saying that.

14 MR. HILDES: And you don't know
15 what they said to each other in another
16 language, otherwise known as Urdu, do you?

17 MS. HUBER: Objection; asked and
18 answered.

19 JUDGE GOODWIN: Counsel.

20 MR. HILDES: You don't know what
21 they were saying to each other in Urdu?

22 THE WITNESS: Do you speak Urdu?

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1 MR. HILDES: I don't have to speak
2 Urdu. I have a certified interpreter. You
3 don't.

4 JUDGE GOODWIN: Counsel, stop
5 arguing with the witness. It is 4:30. We're
6 going to go off the record. We'll reconvene
7 at 9:00 o'clock, and tomorrow, I don't want
8 the witness being harassed or badgered. I
9 expect appropriate professional cross and
10 direct examination that leads to material and
11 relevant facts.

12 MR. HILDES: Understood.

13 JUDGE GOODWIN: I'm going to
14 instruct the witness that you're not to
15 discuss your testimony with anybody tonight.

16 THE WITNESS: Okay.

17 JUDGE GOODWIN: Of any kind. If
18 you'd be kind enough to return at 9:00 o'clock
19 tomorrow morning. And rather than--if you'll
20 just return to the witness stand, we'll pick
21 up where we left off. All right.

22 THE WITNESS: Okay. Thank you.

1 JUDGE GOODWIN: We're off the
2 record.

3 [Whereupon, at 4:30 p.m., the
4 hearing was adjourned, to reconvene the
5 following day, May 28, 2008, at 9:00 a.m.]
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CERTIFICATE

This is to certify that the foregoing transcript
in the matter of: Talat Tahaira

Before: US Department of Transportation
Office of Hearings

Date: May 27, 2009

Place: Seattle, Washington

represents the full and complete proceedings of the
aforementioned matter, as reported and reduced to
typewriting.



Karen Whelan



U.S. Department
of Transportation
Federal Aviation
Administration

Air Carrier Certificate

This certifies that
JETBLUE AIRWAYS CORPORATION
80-02 KEW GARDENS ROAD
KEW GARDENS, NEW YORK 11415

has met the requirements of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and standards prescribed thereunder for the issuance of this certificate and is hereby authorized to operate as an air carrier and conduct common carriage operations in accordance with said Act and the rules, regulations, and standards prescribed thereunder and the terms, conditions, and limitations contained in the approved operations specifications.

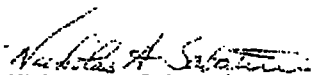
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By Direction of the Administrator.

Certificate number YENA176J

Effective date February 3, 2000

Issued at Garden City, New York


Nicholas A. Sabatini

(Signature)

Flight Standards Division Manager

New York Flight Standards
District Office-15

(Region Office)



CERTIFICATE

The undersigned, James G. Hnat, Senior Vice President, General Counsel and Assistant Secretary of the Company, does hereby certify on behalf of the Company that the attached is a true and accurate copy of the Air Carrier Certificate of JetBlue Airways Corporation registered with the U.S Department of Transportation.



James G. Hnat

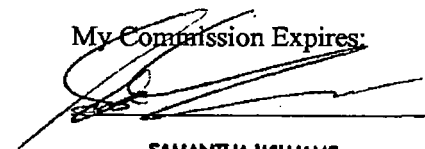
11/22/06
Date

State of New York)
) ss:
County of Queens)

Subscribed and sworn to before the undersigned Notary Public this 22 day of
November, 2006.

Notary Public

My Commission Expires:



SAMANTHA WILLIAMS
Notary Public, State of New York
No. 01W6119979
Qualified in Queens County
Commission Expires December 12, 2008

D085. Aircraft Listing

HQ Control: 09/18/01
HQ Revision: 02b

The certificate holder is authorized to conduct operations under 14 CFR Part 121 using the aircraft identified on this operations specification.

Registration No.	Serial No.	Nose Number, If Applicable	Aircraft M/M/S
N503JB	1123	503	A-320-232
N504JB	1156	504	A-320-232
N505JB	1173	505	A-320-232
N506JB	1235	506	A-320-232
N509JB	1270	509	A-320-232
N510JB	1280	510	A-320-232
N516JB	1302	516	A-320-232
N517JB	1327	517	A-320-232
N519JB	1398	519	A-320-232
N520JB	1446	520	A-320-232
N521JB	1452	521	A-320-232
N523JB	1506	523	A-320-232
N524JB	1528	524	A-320-232
N529JB	1610	529	A-320-232
N534JB	1705	534	A-320-232
N535JB	1739	535	A-320-232
N536JB	1784	536	A-320-232
N547JB	1849	547	A-320-232
N552JB	1861	552	A-320-232
N554JB	1898	554	A-320-232
N556JB	1904	556	A-320-232
N558JB	1915	558	A-320-232
N559JB	1917	559	A-320-232
N561JB	1927	561	A-320-232
N562JB	1948	562	A-320-232
N563JB	2006	563	A-320-232
N564JB	2020	564	A-320-232
N565JB	2031	565	A-320-232
N566JB	2042	566	A-320-232
N568JB	2063	568	A-320-232
N569JB	2075	569	A-320-232
N570JB	2099	570	A-320-232
N571JB	2125	571	A-320-232
N579JB	2132	579	A-320-232
N580JB	2136	580	A-320-232
N583JB	2150	583	A-320-232
N584JB	2149	584	A-320-232
N585JB	2159	585	A-320-232
N586JB	2160	586	A-320-232
N587JB	2177	587	A-320-232
N588JB	2201	588	A-320-232
N589JB	2215	589	A-320-232
N590JB	2231	590	A-320-232
N591JB	2246	591	A-320-232
N592JB	2259	592	A-320-232

JETBLUE AIRWAYS - DISPATCH EASE

FLT 83 /08NOV08 VERSION-1
JFK-SEA N552JB A320 IFR ALTN-PDX
STD-0120 STA-0758 T/O ALTN-AVP
E 0120 ETA-0758

DISP-CIPRIANO, STEVEN D4/718-709-3774
08NOV08/2210

CA-BUCKNER 24415 MOT 1049Z
FO-BURKE 78822 MOT 1049Z

	FUEL	TIME	DIST	ALT	BOW
BURN	26.8	0509	2120	FL340	96700
RESERVE	4.5	0054			PYLD
DISP ADD	2.0	0020			17082
ALTN	2.3	0022			ZFW
BLST	.0				113782
ETP ADD	.0	0000			RW
MIN T/O	35.6	0645			151375
TAXI	1.0				TOW
MIN BLK	36.6	0645			150375
EXTRA	1.0	0012			LDW
TOTAL	37.6	0657			123531

AVG ISA DEV P002
AVG W/C M022
PERF FACTOR 02.0

PLAN	CRZ	DEST	LIMIT
PAX CRGO	SCHED	EFOB	AVGWND DRIFT
78 0	CI-35	9749	282/023 180000
METHOD1			

ROUTE:
JFK.GAYEL.J95.BUF..YWT.J63.ASP..BRD..DI
K.J36.MLP.GLASR7.SEA

TOC/FL CHANGE
340 BUF 360 BRD 380
AVGWND
ALTN PDX 208/019

MINIMUM EQUIPMENT LIST
ITEM.....DESCRIPTION.....EXPIRES
BSCU 10.0 IN 2008-F045TR
THIS IS NOT AN MEL

MSG:
DISP ADD FUEL/ENROUTE CONTINGENCIES
- DRIFTDOWN LIMIT EQUALS MAX T/O WGT
FOR FLT PLAN EAST OF 104 DEG WEST

END OF RELEASE

Menu:

[Flight Info](#)[Home](#) > [BlueEye](#) > [Search](#) > [Flight Detail](#)

Flight Detail

Tail Tracking:

Flight Number

B6 0083

Flight Date

08NOV

Origin + Destination

JFK - SEA

Scheduled

08NOV 20:20 - 08NOV 23:58

Current

Out On

Off In

CURRENT STATUS:

Scheduled Duration:

Departure Delay:

Arrival Delay:

[view delay details](#)

ARRIVED

Departure Gate:

Arrival Gate:

Arrival Claim:

Flight Status Override:

Crewmember Name

Crew ID Base Pairing Dead head

BUCKNER, TIMOTHY

24415 JFK J2435 N

BURKE, MICHAEL

78822 JFK J2435 N

KATE-SANCHEZ, ADRIENNE IFSC

15695 JFK J2900 N

STEVENS, LEAH-IFSC

60074 JFK J2900 N

ROJAS, ROSALIND -IFSC

13402 JFK J2900 N

[Return to Flight Search](#)

Passenger Type Count

Dispatch Releases
Not available

A022. Approved Exit Seat Program

HQ Control: 05/08/98
HQ Revision: 01c

a. The certificate holder is authorized to use the approved exit seat program as described or referenced in this paragraph.

- (1) Approved Programs Manual - Chapters 1 and 5.
- Flight Attendant Manual - Chapter 2.
- Flight Operations Manual - Chapters 1 and 2.
- Station Operations Manual - Chapter 6.

B.16. Exit Row Seating Criteria Card

jetBlue

Emergency Exit Row Seating Criteria

You have been assigned a seat in a designated emergency exit row. Emergency doors are often heavy and awkward to lift, push, pull and maneuver when opening. For the safety of all customers, Federal regulations require that passengers seated in an emergency exit row be able to assist the crew in the event of an emergency.

Please ask to be re-seated if you:

- Lack the ability to read, speak or understand oral commands given by the crew in English.
- Have a physical condition that may not be visible and prevent you from helping.
- Lack the strength, mobility, dexterity or balance required to open the exit and assist the crew.
- Believe the physical exertion required to open the exit would injure you.
- Are hearing impaired and could not hear oral commands given by the crew.
- Lack sufficient visual capacity to perform one or more of the applicable duties without the assistance of visual aids beyond ordinary glasses or contact lenses.
- Are not able to give oral commands to others.
- Do not understand the instructions on the Aircraft Safety Information Card.
- Have any responsibility (such as a small child in care) that would prevent you from helping.
- Are less than 15 years old.
- Do not wish to assist.

If you are unable to assist or do not wish to perform any of the above conditions, please contact a jetBlue representative to be re-seated. It is not necessary to explain why.

Thank you for your assistance in helping us comply with Federal regulations.

(SOM-APPB-REV1/2006)

Port of Seattle PD - Arrest Report

Case No. C20082723
Report No. C20082723.1
Report Date: 11/9/2008

Port of Seattle PD
Po Box 68727
Seattle, WA 98168
206 433-4610

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Page 1 of 4

Subject: 1304 - Assault - 4th Degree

Case Report Status V - Verified
Occurred On 11/8/2008 9:45:00 PM
Or Between (Date and time)
Reporting Officer 300 - Beam, Darin
Assisted By 192 - Woo, Roy
181 - Haggin, Tyrone
207 - Flynn, Daniel

Location GATE A10
Reporting Agency Port of Seattle PD
Related Cases

Local Geographic Code
State Geographic Code
Call Source

Vehicle Activity
Direction Vehicle
Traveling
Cross Street
Means
Motive
Narrative

Disposition 2 - Arrest
Date Entered 11/9/2008 12:52:53 AM
Entered By 181 - Haggin, Tyrone
Date Verified 11/9/2008 4:10:48 AM
Verified By 190 - Myers, Jack
Date Approved

Approved By
Jurisdiction PDDG - Police
Grid
Sector

Map
Adult/ Juvenile
Clearance
Clearance Reason
Date of Clearance
Division Patrol
Notified
Insurance Letter

RECEIVED PDA

NOV 17 2008

SEATTLE FSDO

THIS COPY WAS PREPARED BY THE
PORT OF SEATTLE POLICE DEPARTMENT
FOR
DATED 11/10/08
FURTHER DISSEMINATION OF THIS
DOCUMENT IS NOT AUTHORIZED

On 11/08/2008 at approximately 10:55 pm, Detective Haggin and Officer Beam were dispatched to gate A-10 at Sea-Tac Airport because a flight attendant had been assaulted by a passenger. Detective Haggin and Officer Beam contacted JetBlue supervisor Jenelle Ginoza at the gate. JetBlue flight #83 from JFK to Seattle was due to arrive at 11:05 pm.

When the flight arrived, Detective Haggin and Officer Beam contacted victim Stevens. Stevens said suspect TAHIRA grabbed her by the wrist and caused a bruise. Stevens identified TAHIRA as she exited the plane. Officer Beam contacted and interviewed TAHIRA. There was an obvious language barrier.

Detective Haggin contacted the JetBlue Airlines co-pilot identified as Tim Burke. Burke confirmed the incident occurred in Washington air space.

Detective Haggin interviewed witness Laura Clampitt. Clampitt said TAHIRA wanted to move from her assigned seat to an exit row seat. Clampitt witnessed the flight attendant explain to TAHIRA because of the language barrier, her health and the fact she could not lift 60 lbs. restricts TAHIRA from sitting in the exit row. Clampitt said TAHIRA insisted the reason she could not sit in the exit row was because she was Muslim.

JetBlue flight attendant Rojas said she witnessed TAHIRA tap victim Stevens on the face three times. Rojas said Stevens repeatedly explained to TAHIRA why she could not sit in the exit row. Stevens had to move TAHIRA back to her assigned on five different occasions. Rojas said TAHIRA caused a disturbance each time she was told to return to her seat.

JetBlue flight attendant Kate-Sanchez said she witnessed TAHIRA grab Stevens' wrist because she wanted to show Stevens all the people that were lying down on the seats. Kate-Sanchez said she tried to explain to TAHIRA why she could not sit in the exit row and she was told she has to speak English in order to sit in the exit row. TAHIRA was offered other non exit row seats but TAHIRA refused to sit in the seats.

Jet Blue flight attendant victim Stevens said TAHIRA wanted to move from her assigned seat to an exit row seat. TAHIRA told Stevens the passenger near her seat was bothering her and she needed to move. Stevens contacted the female and she was told there was not a problem. Stevens showed TAHIRA the safety information card and TAHIRA said she did not understand the card. Stevens said TAHIRA tapped her in the face in an attempt to explain something to her. TAHIRA insisted she wanted to lay down. TAHIRA refused to sit in non-exit row seats. TAHIRA said the reason she could not sit the exit row was because she was Muslim. After returning TAHIRA to her seat on numerous occasions; TAHIRA returned and grabbed Stevens by the wrist in order to show her other people that were lying down. TAHIRA grabbed Stevens' wrist hard enough to cause a bruise. Stevens said she spent most of the flight dealing with TAHIRA. Stevens said she wanted to pursue charges against TAHIRA for assault.

Officer Beam read TAHIRA her constitutional rights per Miranda. Officer Beam was unable to take a statement from TAHIRA because of the language barrier. TAHIRA is a 69 year old female that had to be transported by a wheel chair from the gate. Officer Beam released TAHIRA to her son identified by the last name of Chavdhry.

TSA supervisor Clark Winn responded to the gate to investigate the incident. Detective Haggin briefed him about the incident.

The Federal Air Marshal duty agent phoned Detective Haggin and he was briefed about the incident.

Detective Haggin talked to the FBI airport duty agent Jim Elliott and briefed him about the incident. S/A Elliott declined to respond to the airport, if TAHIRA had been released.

Detective Haggin took photos of Stevens injuries.

Port of Seattle PD - Arrest Report

Case No. C20082723
Report No. C20082723.1
Report Date: 11/9/2008

Port of Seattle PD
Po Box 68727
Seattle, WA 98168
206 433-4610

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Page 2 of 4

Detective Haggin will be filing charges against TAHIRA for Assault 4th Degree RCW 9A.36.041.

I certify under penalty of perjury, under the laws of the State of Washington, that the foregoing is true and correct November 09, 2008 Seattle, Washington.

Detective Tyrone Haggin #10181

Offense Details: 1506 - TSR - Inflight Violation - Disturbance

Offense	1506 - TSR - Inflight Violation - Disturbance	Location	58 - Aircraft / On-board Aircraft	No. Prem. Entered	
IBR Code		Hate/Bias	88 - None (No Bias)	Entry Method	
IBR Group		Criminal Activity		Other Method of Entry	
Crime Against		Domestic Violence	No	Type of Security	
Using	N - Not Applicable	Evidence Collected		Other Security	
Offense Completed	C - Completed	Other Evidence Collected		Tools	
Child Abuse	No			Other Tools Used	

Offense Details: 1304 - Assault - 4th Degree

Offense	1304 - Assault - 4th Degree	Location	58 - Aircraft / On-board Aircraft	No. Prem. Entered	
IBR Code	13B - Simple Assault	Hate/Bias	88 - None (No Bias)	Entry Method	
IBR Group	A	Criminal Activity		Other Method of Entry	
Crime Against	PE	Domestic Violence	No	Type of Security	
Using	N - Not Applicable	Evidence Collected		Other Security	
Offense Completed	C - Completed	Other Evidence Collected		Tools	
Child Abuse				Other Tools Used	

Arrestee A1: Tahira, Talat

PDA

Arrestee Number	A1	DOB	6/30/1939	POB	
Name		Age	69	SSN	
Aliases		Sex	F - Female	DLN	
Address		Race	U - Unknown	DL State	WA - Washington
CSZ	34	Ethnicity	U - Unknown	DL Country	USA - United States of America
Appearance	01 - Casual	Height	5' 2"	Occupation/Grade	NA
Phone	292	Weight	160	Employer/School	NA
Business Phone		Eye Color	BRO - Brown	County	King
Custody Status		Hair Color	BLK - Black	Country	USA - United States of America
Identifiers		Facial Hair		Resident	N - Nonresident
Scars/Marks/Tattoos	None	Complexion	07 - Medium	Facial Shape	
Suspect MO		Hair Length	05 - Long	Facial Feature	
Attire	NA	Hair Type		Oddities	
Glasses		Hair Style		Distinctive Features	
Arrest No.	8382	Teeth		Speech	
Arrest Type	T - Taken Into Custody	Arrested For	1304 - Assault - 4th Degree 1506 - TSR - Inflight Violation - Disturbance	Right/ Left Handed	
FBI No.		Fingerprints	No	Identifiers	
State No.		Photos	Yes		
Armed With	01 - Unarmed	Miranda Read	Yes	Arrested On	11/8/2008 11:30:00 PM
Multi. Clearance	N - Not Applicable	Miranda Waived	No	Arrest Location	Gate A10
Multi. Clearance		Number of Warrants		Booked On	
Prev. Suspect No.		Tribe Affiliation		Booked Location	
Gangs	NA	Juvenile Disposition		Released Location	
Notified Name		Adult Present Name		Released On	11/9/2008 12:30:00 AM
				Released By	300 - Beam, Darin
				Release Reason	20 - Other

Port of Seattle PD - Arrest Report

Port of Seattle PD
Po Box 68727
Seattle, WA 98168
206 433-4610

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Case No. C20082723
Report No. C20082723.1
Report Date: 11/9/2008

Subject Pretended to
Be
Arrest Notes

Detention Name

Held For **Assault**

Victim V1: Stevens, Leah M.

PDA

Victim No. **V1**
Victim Type **I - Individual**

Victim Of **1304 - Assault - 4th Degree**

Name **Stevens, Leah M.**
Aliases
Address
CSZ **0066**

DOB
Age **29**
Sex **M - Male FEMALE**
Race **W - White**
Ethnicity **U - Unknown**

Place of Birth
SSN
DLN
DLN State **GA - Georgia**
DLN Country **USA - United States of America**
Occupation/Grade **Flight Attendant**
Employer/School **JetBlue Airlines**
Country
Country **USA - United States of America**
Resident **N - Nonresident**
Testify

Phone
Business Phone
Weapon Used
Attire
Injury **05 - Apparent Minor Injury**
Circumstances

Height
Weight
Eye Color
Hair Color
Facial Hair
Complexion

Law Enforcement
Officer Killed or
Assaulted
Information
Type
Assignment
Activity
Other ORI

Justifiable Homicide
Circumstances

Victim Offender Relationships

Offender
A1 - Tahira, Talat
Victim Notes:

Relationship
41 - Victim Was Stranger

Witness W1: Clampitt, Laura M.

PDA

Witness Code **W1**
Name **Clampitt, Laura M.**
Aliases
Address
CSZ **09070**

DOB
Age
Sex **F - Female**
Race **W - White**
Ethnicity **U - Unknown**

Phone **206 419-1173**
Business Phone
Attire
Testify

Height
Weight
Eye Color
Hair Color
Facial Hair
Complexion

POB
SSN
DLN
DLN State
DLN Country
Occupation/Grade **Flight Attendant**
Employer/School **American Airlines**
Country
Country **USA - United States of America**
Resident

Witness Notes

Witness W2: Kate-Sanchez, Adrienne

PDA

Witness Code **W2**
Name **Kate-Sanchez, Adrienne**
Aliases
Address **118-29 Queens Blvd**
CSZ **Forrest Hills, NY 11375**

DOB
Age **34**
Sex **F - Female**
Race **U - Unknown**
Ethnicity **U - Unknown**

Phone **860 235-3630**
Business Phone

Height
Weight
Eye Color
Hair Color

POB
SSN
DLN
DLN State **NY - New York**
DLN Country **USA - United States of America**
Occupation/Grade **JetBlue Airlines**
Employer/School
Country
Country **USA - United States of America**
Resident

Attire
Testify **Yes**

Facial Hair
Complexion

Witness Notes

Port of Seattle PD - Arrest Report

Case No. C20082723
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Seattle, WA 98168
206 433-4610

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Witness W3: Rojas, Rosalind

PDA

Witness Code	W3	DOB	[REDACTED]	POB	
Name	Rojas, Rosalind	Age	40	SSN	
Aliases		Sex	F - Female	DLN	
Address	118-29 Queens Blvd	Race	U - Unknown	DLN State	NY - New York
CSZ	Forrest Hills, NY	Ethnicity	U - Unknown	DLN Country	USA - United States of America
Phone	[REDACTED]	Height		Occupation/Grade	
Business Phone	[REDACTED]	Weight		Employer/School	JetBlue Airlines
		Eye Color		County	
		Hair Color		Country	USA - United States of America
Attire		Facial Hair		Resident	
Testify	Yes	Complexion			
Witness Notes					

Witness W4: Burke, Michael

PDA

Witness Code	W4	DOB		POB	
Name	Burke, Michael	Age		SSN	
Aliases		Sex	M - Male	DLN	
Address	[REDACTED]	Race	W - White	DLN State	
CSZ	[REDACTED] WA	Ethnicity	U - Unknown	DLN Country	
Phone	[REDACTED]	Height		Occupation/Grade	Pilot
Business Phone	[REDACTED]	Weight		Employer/School	JetBlue Airlines
		Eye Color		County	
		Hair Color		Country	USA - United States of America
Attire		Facial Hair		Resident	U - Unknown
Testify	Yes	Complexion			
Witness Notes					




U.S. Department
of Transportation
**Federal Aviation
Administration**

Seattle Flight Standards District Office
1601 Lind Avenue SW Suite 260
Renton, Washington 98057
(425)227-1813, Fax: (425)227-1810

November 24, 2008

CERTIFIED MAIL—RETURN RECEIPT REQUESTED
File No. 2009ANM010019


Talat Tahira


Dear Ms. Tahira:

Personnel of this office are investigating an incident which occurred on JetBlue flight number 83 on November 8, 2008, enroute to Seattle-Tacoma International Airport. On that flight it has been reported that you may have interfered with the performance of the flight attendants' duties while attempting to occupy a seat in the emergency exit row. The flight attendants had determined that you were not qualified to sit in the emergency exit row and instructed you not to sit there. You also may have assaulted one of the flight attendants. These actions are contrary to Federal Aviation Regulations.

This letter is to inform you that this matter is under investigation by the Federal Aviation Administration (FAA). We would appreciate receiving any evidence or statements you might care to make regarding this matter within 10 days of receipt of this letter. Any discussion or written statements furnished by you will be given consideration in our investigation. If we do not hear from you within the specified time, our report will be processed without the benefit of your statement.

Sincerely,



James B. Hawks
Aviation Safety Inspector



December 7, 2008
FAA, Northwest Mountain Renton
1601 Lind Ave, S.W.
Renton, WA 98057-4099
Attn: James B. Hawks (Aviation Safety Inspector)
Regarding: FILE No. 2009ANM010019

RECEIVED
DEC 11 2008
SEATTLE FSDO

Dear, Mr. Hawks,

I really appreciate you providing me an opportunity to furnish a statement in your investigation.

I deny all the allegations leveled against me by Jet Blue. The truth of the matter is that I was the victim in that incident. Please see the attached detailed statement that my son wrote; my complaint is under investigation by ACPD. I was harassed by the Jet Blue flight attendant, forced to sit with a passenger whom I did not know, and despite my worsening medical condition I was not allowed to go back to my **assigned** seat F9 to collect my bag to take medication.

I am an elderly heart patient with sever arthritics who can not walk more than 50 feet without help or wheel chair. How can I even imagine assaulting the flight attendant? That is the first time I've learned that I was accused of "assaulting". If you read the attached statement, you will learn that the flight attendant lost her temper due to my lack of communication skills in English, my dress from Punjab probably made me look like from Middle East. And finally my unfortunate statement to the flight attendant that, I was going to complaint against her for discrimination. That got her very upset. I never touched any flight attendant or forced my way into the situation. Several passengers who were witnessing the flight attendants biased behavior against me were viably uncomfortable. At least one of the passengers provided me her name and number and encouraged me to complaint against Jet Blue for the humiliating behavior I received on flight 83. The witness Ms. Dutt is willing to make a statement if necessary.

I want to believe that it was a single incident, where I happened to be in wrong place at wrong time to become a victim of someone's bad day. However, after reviewing the dozens of complaints against Jet Blue on the internet, I find a common pattern. It is apparent that due to lack of training Jet Blue flight attendants mistreat passengers often. I understand the crew training is mandated by FAA but isn't poor training is also against FAA's regulations?

Mr. Hawke, I spent my entire life volunteering and helping those who were in need. I am probably at the beginning of the end of that wonderful journey but I believe that when you learn about different people, you can respect each other more, and you can not be fearful.

Talat Tahaira
Respectfully,
Talat Tahaira




Regarding: File 2009ANM010019

Dear Mr. Hawks,

My mother Talat Tahaira, a seventy year old, wheelchair-bound frail and elderly great grandma was on board the Jet Blue flight when she encountered one of the most humiliating experiences of her lifetime. Talat was assigned seat F9 on Jet Blue flight 83 on November 08, 2008. My mother was traveling from her native Punjab to reunite with our family in Kirkland. Due to the inconvenient flight connections and layover, she was already in travel for over 30 hours before boarding the Jet Blue flight 83. Talat who is a patient of cardiovascular diseases, diabetes and sever arthritics found she was extremely exhausted and sick by the time air plane took off for Seattle. Like some of the fellow passengers, Talat shifted to an empty row for a badly needed a nap. However, soon after moving to the empty seat Talat was approached by a grueling flight attendant who ordered her to move back to her seat. Apparently the crew member did not feel comfortable with Talat sitting in the emergency exit row seat due to Tanat's foreign appearance. Talat requested to move to a different empty seat like several other fellow passengers. The attendance told her that the passengers who were laying-down on the empty seats paid for more than one seat and she paid for only one seat. Talat who was very sick at the time, kept begging the flight attendant to let her move to one of the empty seat. The crew member then threatened her with an arrest if she does not move out of that seat. Frustrated and humiliated Talat told the attendant in her broken English that she will file a complaint against her in Seattle. Tanat's threat to file a complaint was the last straw that broke the camel's back.

Talat was moved out of the seat but the apparently irate flight attendant did not allow Talat to move back to her assigned seat (F9) but rather **forced** to sit with another South Asian passenger. The South Asian passenger was asked by the flight attendance to explain to Talat that if she would not cooperate with them they would have her arrested at the airport. Talat begged the flight attendant to let her move back to her assigned seat (F9) so she can take her medication but the flight attendant told her that, if she tried to go back to F9 she would be arrested. Talat who was very depressed and sick got up and moved back to



her assigned seat **F9** where she had her belongings and medication. At that point two fuming flight attendants come over and told her that they will call police for her arrest since she did not follow orders. She was once again forced to sit next to the South Asian passenger (who is a witness). Talat got very apprehensive and felt pressured to sit next to the South Asian passenger unwillingly.

Talat was in tear at that point and felt like that she could have a heart attack. Observing Tanat's awful health the South Asian passenger told the flight attendance that Talat was very sick and was prone to cardiac arrest if treated roughly. According to the witness the flight attendance said she would not care and Talat would not be allowed to rest on the empty rows since she paid for only F9 seat (and she was not even allowed to sit on her paid seat). One of the passengers (witnesses) was surprised at the answer and told the flight attendant that she did not believe that someone would pay for three seats in order to take a nap.

Tanat's ordeal did not stop here, at the Seattle airport the Port Authority police showed up with handcuff to arrest her. It appeared the flight attendance who apparently never dealt with other cultures got very frustrated with Talat's lack of communication skills and offended by her threatening to file a complaint against the attendant, called police to have her arrested. When police saw the seventy plus, merely 4-9'' great grandma in the wheelchair they decided not to use handcuff. However, Talat was **ARRESTED** and was investigated (one hour) until 1:00 am in the morning. The Port Authority police were kind to release Talat after investigation but this tragic experience caused a blow to Talat's already fallen health. Talat was charged with grabbing flight attendant arm which caused a bruise. According to the Police the flight attended admitted that Talat was not trying to assault her and grabbed her arm to get attention, which caused a small bruise on her arm. Believe it or not the great grandma was press charged for the bruise that was not even caused by her. Talat denied grabbing the flight attendance's arm at anytime during her flight. According the Talat's fellow passengers who witnessed the whole saga, Talat never tried to grab any flight attendants. It seems like the flight attendance could not come up with any other excuse to have

this elderly grandma arrested but to make a fake story about a bruise that could be there previously.

The Jet Blue flight attendance who supposed to take care of elderly passengers like Talat actually pressed charged against her because Talat's poor communication skills, her non-NORMAL or Middle Eastern appearance.

To Talat and her fellow South Asian passenger it was bitter reminder of hidden discrimination and disrespect to other cultures. Talat who is a patient of severe arthritics, diabetes and heart diseases did not receive this saga well. She has not been able to sleep well and been under a lot of stress since this incident.

It was wrong to press charge an elderly senior for not understanding English, it was wrong to force her to sit with someone unwillingly. Jet Blue should start making thing right (not just bill of right) by offering an apology to, retracting the press charges and a promise to train the crew member on intercultural sensitivities before it is too late.

Please help my mother to get justice.

Sincerely,

Mat Chaudhry

12401 NE 141st Street

Kirkland, WA 98034

(425)260-9392



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

1200 New Jersey Avenue, SE
Room W78-338
Washington, DC 20590

December 2, 2008

DOT # 2009-0067-IN

Mr. Mat Chaudhry
12401 NE 141st Street
Kirkland, WA 98034

Dear Mr. Chaudhry:

The U.S. Department of Transportation has received your complaint against JetBlue Airways. The complaint was received in our office from the U.S. Department of Health and Human Services on November 26, 2008.

Your complaint states that your mother, Talat Tahaira, was discriminated against based on race/ethnicity and English-speaking ability as a passenger on JetBlue Flight 83 on November 8, 2008.

We are referring your complaint to the Department's Aviation Consumer Protection Division (ACPD) for review and appropriate action. The ACPD is the office within the Department charged with processing discrimination complaints against airlines. Any further correspondence should be addressed to:

Aviation Consumer Protection Division, C-75
U.S. Department of Transportation
Office of the General Counsel
1200 New Jersey Avenue, SE, Room W96-432
Washington, DC 20590

Sincerely,

Joseph E. Austin, Associate Director
External Civil Rights Programs Division
Departmental Office of Civil Rights

If you need any assistance getting settled, please let us know.
Once again, welcome onboard.

On flights 3/4 or more full

Also, ladies and gentlemen, when possible, please step into your row allowing others to pass you. Thank you for your assistance.

On flights to St. Maarten (Make at regular intervals during fuelling when advised by Flight Deck)

Ladies and Gentlemen, the local government in St. Maarten requires that Customers refrain from using electronic devices and that seatbelts remain unfastened during the aircraft fuelling process.

A.2. Boarding: Add for Aircraft #651 "BetaBlue" ONLY

Congratulations! Today you are traveling on our exclusive BetaBlue aircraft, an Airbus A320 with email, shopping, and instant messaging services above 10,000 feet. These services are free to customers and you can access them via your Wi-Fi enabled laptops and smartphones. For more information about BetaBlue and instructions on how to use the service, please see the card in your seatback. We'll let you know when we've reached 10,000 feet and this service can be accessed.

B. EXIT ROW CRITERIA

(MAKE P.A. ONCE ALL PASSENGERS ARE ON BOARD)

Again, good morning/ afternoon/ evening ladies and gentlemen. You've boarded JetBlue Airways flight number ____ with service to ____.

If you are seated in a designated emergency exit row, you could be called upon to open the exits in the event of an emergency.

Please take a moment to review the Safety Information Card located in the seat back pocket in front of you. If you are unable,

Flight Attendants will use the following script for their exit row briefing:

"Ladies and Gentlemen, could I ask each of you to remove your headsets for just one moment. Each of you are seated in an emergency exit row and could be called upon to assist the Crew in the event of an emergency. I need to make sure that each of you are willing and able to assist the Crew if necessary. Please review the safety information card in the seat pocket. If you have any questions my name is _____. Thank you and have a great flight."

- The Flight Attendant conducting the briefing will advise the F/A #1 that the exit row assessment and briefing have been accomplished after all Passengers are seated prior to the doors being closed.
- A Flight Attendant will make Exit Row Criteria PA prior to closing the boarding door

U.3. Exit Seating Requirements [FAR 121.585]

Federal Aviation Regulations require that Passengers seated in emergency exit seats must be able to meet the suitability criteria listed below and perform the following duties (Included on the Safety Information Card that is part of this approved program and located in every seat on the aircraft).

If the Passenger is unable, or does not want this responsibility, s/he may contact a Flight Attendant and request to be re-seated. It is not necessary for the Passenger to explain why s/he does not wish to sit in an exit row seat.

U.4. Suitability Criteria for Exit Seat Occupants

- Have sufficient mobility strength, or dexterity in both arms and hands, and both legs:
 - To reach upward, sideways, and downward to the location of emergency exit and exit-slide operating mechanisms

- To grasp and push, pull, turn, or otherwise manipulate those mechanisms
 - To push, shove, pull, or otherwise open emergency exits
 - To lift out, hold, deposit on nearby seats or maneuver over the seatbacks to the next row objects the size and weight of overwing window exit doors
 - To remove obstructions similar in size and weight to overwing exit door
 - To reach the emergency exit expeditiously
 - To maintain balance while removing obstructions
 - To exit expeditiously
 - To stabilize an escape slide after deployment; or
 - To assist others in getting off an escape slide
- Be 15 years of age or older and have the capacity to perform the listed duties without the assistance of an adult companion, parent, or other relative
- Be able to read and understand instructions related to emergency evacuations which are provided in printed, hand-written, or graphic form and be able to understand oral commands given by a Crewmember in the English language
- Be able to see well enough to perform the listed duties without the assistance of visual aids. Contacts or eyeglasses may be worn
- Be able to hear well enough to understand instructions shouted by Crewmembers without assistance. Hearing aids may be worn
- Be able to speak well enough to give information orally to other Passengers
- Be free from a condition or responsibility which requires your care, such as a small child, or someone physically or mentally unable to care for him/herself, which might prevent you from performing any of the listed duties

- Be free from any non-discernable condition that might cause you harm if you were to perform one or more of the listed duties

U.5. Duties and Responsibilities of Exit Seat Occupants

Exit seat occupants should be prepared, if called upon, to assist Crewmembers by performing any of the following functions:

- Locate the emergency exit
- Recognize the emergency exit opening mechanism
- Comprehend the instructions for operating the emergency exit
- Operate the emergency exit
- Assess whether opening the emergency exit will increase the hazards to which Passengers may be exposed
- Follow oral directions and hand signals given by a Crewmember
- Stow or secure the emergency exit door so that it will not impede use of the exit
- Activate the slide, assess the condition of an escape slide, and stabilize the slide after deployment to assist others in getting off the slide
- Pass expeditiously through the emergency exit
- Assess, select, and follow a safe path away from the emergency exit

NOTE: Flight Attendants are not to make decisions regarding someone's eligibility to sit in an exit row based on any criteria other than those listed in this section.

U.6. Pre-Assigned Exit Row Seats

- Some Passengers may be assigned Exit Row seats prior to check-in through Crew Support, Online Flight check-in and Self Service Kiosk check-in
- Passengers checking in with pre-assigned Exit Row seats have been made aware of the requirements and criteria pertaining to Exit Row seating. Inflight Crewmembers are ultimately responsible for ensuring that the Passenger meets all the Exit Row seating criteria

- Any pre-assigned seat, including an Exit Row, should never be removed unless the Passenger is physically present and requests a seat assignment change

U.7. Authority to Refuse Transportation [Ref. FAR 121.585]

JetBlue may deny transportation to any Passenger under the provisions of the exit seating required for the following reasons:

- A Passenger refuses to comply with instructions given by a Flight Attendant or other authorized Crewmember implementing FAA approved exit-seating procedures
- The only seat that will physically accommodate the person's disability is an exit seat

U.8. Complaint Resolution

Passengers who believe they are eligible to be seated in an exit seat should be advised in a dignified but authoritative manner why they are not considered eligible.

- If already on the plane, discuss the seat assignment with the F/A #1 and Customer Service Crewmember
- If the Passenger is not satisfied, the Captain and the CRO should be consulted (refer to chapter 3 for more information regarding the role of the CRO)

V. CARRY-ON BAGGAGE [FAR 121.589]

All Passengers and Crewmembers traveling on company business or as non-revenue Passengers will be restricted to 1 carry-on and 1 personal item in the cabin of the aircraft. In addition, each person may carry 1 of the special items listed.

V.1. General Guidelines for Carry-On Baggage and Stowage

- All carry-on items must fit into a sizing bin located at each station used to determine if an item can be carried on board the aircraft
- All carry-on items must fit under a Passenger seat with a restraint bar or in an overhead bin
- Items can be placed completely under the last row of seats AB and EF only; no items can be placed under the last row of seats C and D (A320 only)

unwilling, or feel you may suffer bodily harm from performing the functions described on the card, an Inflight Crewmember will be happy to reseat you. Thank you.

C. PRIOR TO CLOSING THE BOARDING DOORS

(MAKE P.A. 5 MINUTES PRIOR TO DEPARTURE)

Ladies and gentlemen, before we can close the main cabin door, we must ensure that every Customer's seatbelt is fastened and all carry-on items are stowed completely under the seat in front of you or secured in an overhead bin. Additionally, all cell phones and electronic devices must be turned off once the door is closed and remain off until advised by your Inflight Crew. Thanks for your cooperation.

D. WHEN THE DOOR IS CLOSED

Inflight Crewmembers, please prepare for departure.

Ladies and gentlemen, we have now closed the main cabin door and locked our armored flight deck door at the front of the cabin. Unauthorized persons are not allowed access to the flight deck. At this time, please ensure all cell phones and electronic devices are turned off. Soon after take-off, we'll let you know when you may use approved electronics again. Thanks for your cooperation.

- Inbound Crew will tidy the aircraft and assist Passengers deplaning
- F/A #1 briefs outbound Crew regarding special Passengers/needs, if applicable
- Outbound Crew will wait in the jetbridge until inbound Crew is ready for Crew change
- Through Passengers are not required to take their carry-on luggage should they deplane because all carry-on baggage has gone through the security checkpoint

R. TERMINATION OF DUTY DAY

- The end of the duty day is defined as 15 minutes after block-in
- Prior to leaving the aircraft, all Flight Attendants will ensure respective doors are disarmed

S. REMAIN OVERNIGHT (RON) PROCEDURES

- F/A #1 must conduct a cabin walk through and visually verify that all cabin doors are disarmed
- F/As lower the Vent Flap Lever on all closed doors before leaving aircraft (E190 only)
- Captain must visually verify that all cabin doors are disarmed and the Vent Flaps are closed (E190 only)

T. RETURN TO DOMICILE PROCEDURES

- When arriving at home domicile Flight Attendants will proceed to Flight Attendant Crew Lounge and complete necessary paperwork.

U. EXIT SEATING [REF. FAR 121.585]**U.1. Exit Seating Definitions**

FAA-approved Exit Seating Procedures shall be made available for inspection by the public at all Passenger loading gates and ticket counters at airports where JetBlue conducts Passenger operations. A copy of the Exit Seating Program will be printed from the Open Skies computer upon Passenger request.

An "exit seat" is defined as:

- Each seat having direct access to an exit; and
- Each seat in a row of seats through which Passengers have to pass to gain access to an exit, from the first seat inboard of the exit to the first aisle inboard of the exit

A "direct access Passenger seat" is defined as:

- A seat from which a Passenger can proceed directly to the exit without entering an aisle or passing around an obstruction

JetBlue is responsible for determining the suitability of each person who occupies an exit seat for performing certain functions. The determinations must be made in a non-discriminatory manner.

The following Company personnel are delegated authority to determine if Passengers meet the requirements for sitting in an exit seat:

- Customer Service Crewmembers
- Flight Deck Crewmembers
- Reservation Supervisors
- CRO
- Flight Attendants
- Crew Support

U.2. Flight Attendant Duties and Procedures [FAR 121.585]

- The F/A #2 will ensure that the Safety Information Card is available in each exit row seat pocket and verbally brief the Passengers making them aware they are in an exit seat
- The Flight Attendant will ask if the Passenger will assist in the event of an emergency and refer the Passenger to the Safety Information Card

Continued from other side...

- 6) Be willing to help other passengers away from the plane.
 - 7) Be at least 15 years of age.
 - 8) Be with no one that requires your care, such as a small child, or someone physically or mentally unable to care for themselves.
 - 9) Be able to understand the passenger safety information card and oral commands from the crew.
 - 10) Have no nondiscernible condition which would prevent you from performing these functions or a condition that might cause you to suffer bodily harm while performing these functions.
- You must be able to do all of these things by yourself and without harming yourself.

Thank you for your assistance in meeting these FAA requirements.

Duties and Responsibilities of Exit Seat Occupants:

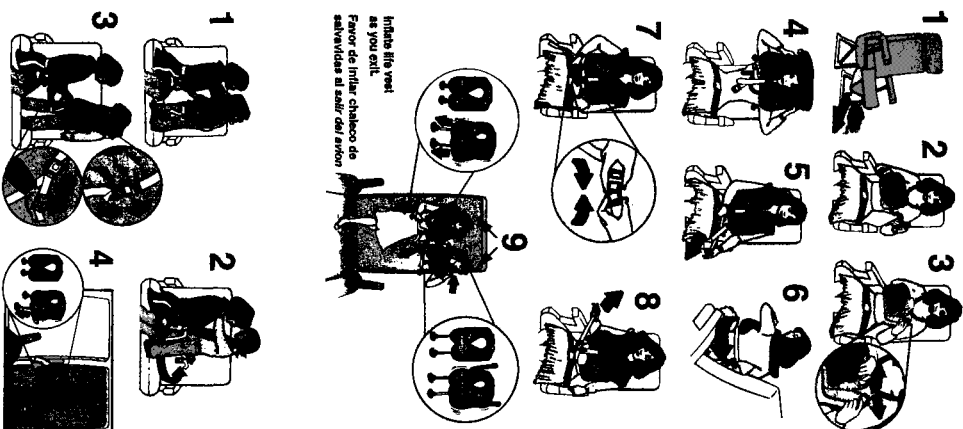
If you are seated at an emergency exit, you must be ready, willing and able to open the exit, as shown, and to quickly lead other passengers to safety in the event of an emergency. If you cannot comply, please ask the crew for a different seat.

Be Prepared... To assist crew members in an emergency, and follow the guidelines below. A passenger should open an exit only if a flight attendant cannot reach the exit.

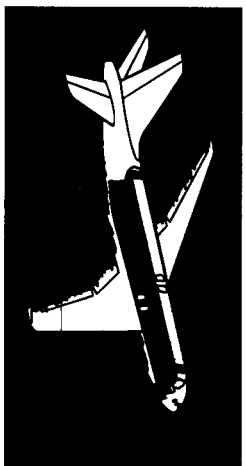
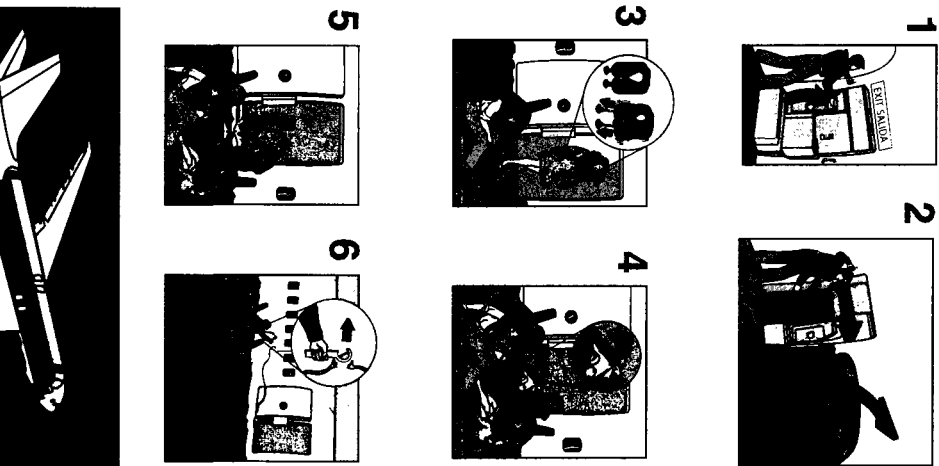
- 1) Know where all the exits are located on this aircraft. Study the briefing card and know how to open the exit closest to you.
- 2) If an emergency evacuation is necessary, and if a flight attendant cannot get to the exit in your row, you may have to open it. **First, look outside.** If fire, smoke, or water could come into the cabin through the exit, **don't open it.**
- 3) If it is safe to open the exit, do so as quickly as possible. Keep the pathway to the exit clear. If the exit cannot be opened, go to another exit.
- 4) The exit has an inflatable emergency slide that you may have to inflate. Check the briefing card to see how. When the slide's inflated, shout "Come this way!" Then go out the exit as quickly as possible.
- 5) If there is no immediate danger, wait at the bottom to help people off the slide. Hold onto the slide to stabilize it.
- 6) Move away from the aircraft as soon and as quickly as you can.



A life vest is located under each seat.
Los chalecos de salvavidas se encuentran debajo de cada asiento.



Infla el chaleco de salvavidas.
Inflate the vest as you exit.
Favor de inflar chaleco de salvavidas al salir del avión.



Passenger Safety Information
Información de Seguridad

etBlue®

A320

EXHIBIT
comp Ex
11 for ID

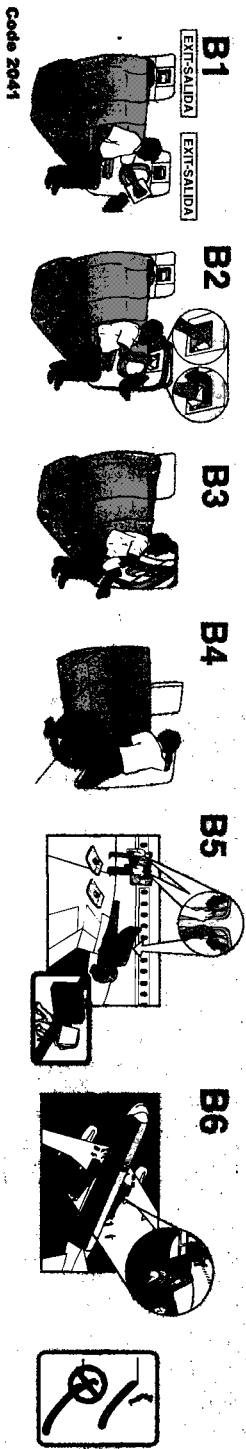
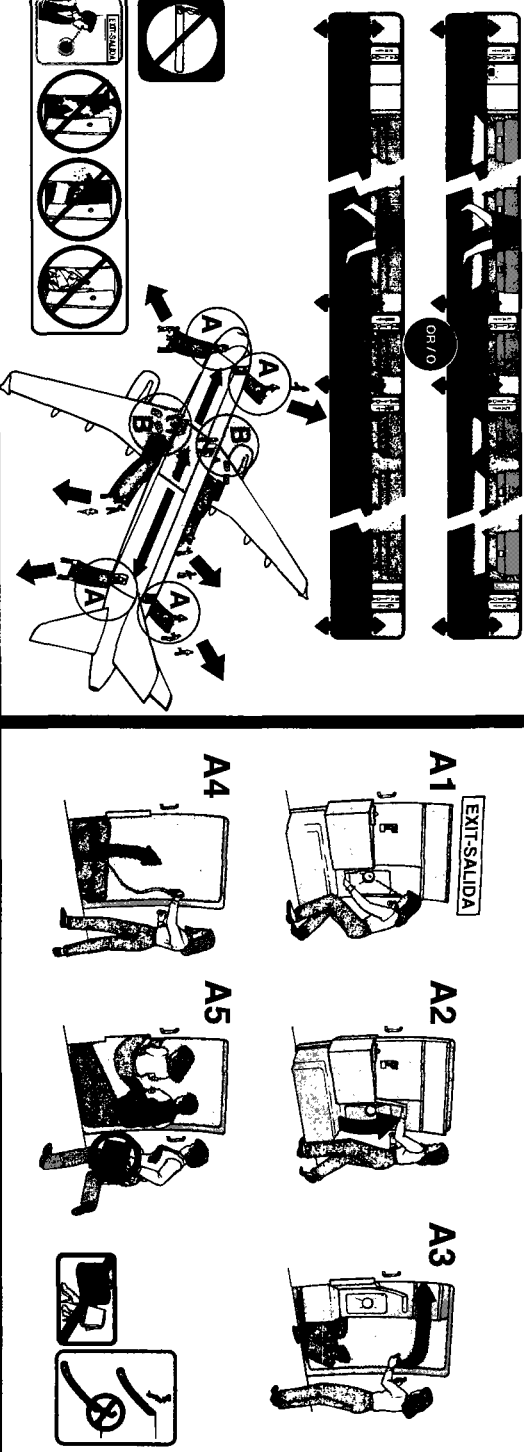
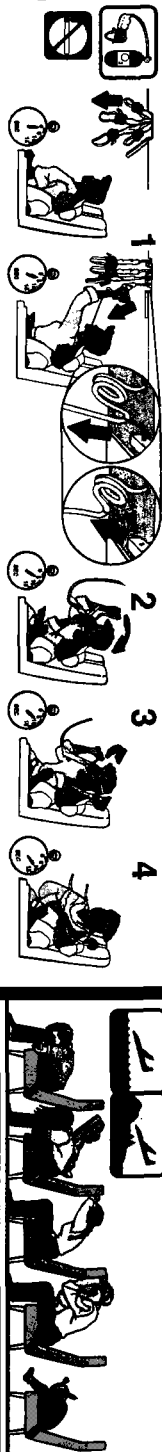
It is a federal requirement to comply with all instructional signs, placards and crew member instructions.
Es un requisito federal el cumplir con todos los avisos de instrucción, carteles e instrucciones del personal.

Final assembly of this aircraft was completed in France.

For the safety of others please do not remove card from aircraft.
Para seguridad de otros favor de no quitar esta tarjeta del avión.

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Conforms to FAA AC 121-26C and SAE ARP 394 Code 2041 REV12-07

JB-PS-A320



In order to ensure the fastest possible emergency evacuation, the Federal Aviation Administration has set standards for people who sit in rows next to exits. Passengers sitting in exit rows must speak, read and understand English. They must also be able to understand English. If they cannot speak, read and understand English, they must not sit in an exit row and oral commands from the crew. Other requirements are listed below. If you are already seated in an exit row and you cannot speak, read and understand English or cannot meet the other requirements, ask the flight attendant to move you to another seat. You do not have to explain why. You need to say only, "I do not want to sit in an exit row."

Para poder asegurar las más rápidas evacuaciones de emergencia, la Administración Federal de Aviación ha desarrollado normas para las personas que se sientan en filas al lado de las salidas. Los pasajeros que se sientan en estas filas deberán hablar, leer y entender inglés. También deben ser capaces de entender la tarjeta de información de seguridad para el pasajero y las órdenes verbales de la tripulación. A continuación se mencionan otros requisitos. Si no puede hacer todas estas cosas, usted no puede sentarse en una fila de salida. Si ya está sentado en una, pídale al asistente de vuelo que lo cambie a otro asiento. Usted no tiene que explicar en una fila de salida. Sólo debe decir: "No quiero sentarme en una fila de salida."

- 1) Read English well enough to understand the instructions for opening exits and for other emergency procedures.
- 2) See well enough to read these instructions, to see signals given by crew members and to look outside for dangers such as smoke, fire or water, which would make the exit unusable. You can wear glasses or contact lenses.
- 3) Hear well enough to understand English commands. You can use a hearing aid.
- 4) Speak well enough to give information in English to crew members or other passengers during an emergency.
- 5) Be able to use both hands, both arms, and both legs, as well as be strong and flexible enough to quickly open the exit and go out through it. Be able to clear the exit row of obstructions.

TEXT PANEL

1-2

Ginoza, Jenelle

From: safetyreports @jetblue.com [safetyreports @jetblue.com]
To: JEMS Mail Distributor; Ginoza, Jenelle
Cc:
Subject: 20081108 #83 JFK-SEA IDR
Attachments:

Sent: Sat 08-Nov-08 23:54

08-2723

Inflight Disturbance Report

Author: Ginoza, Jenelle
Date Of Event: 11/8/2008
Time Of Event: 2145
Event Time Zone: Eastern
Aircraft N Number: N552JB
Flight Number: 83
Flight From: JFK
Flight To: SEA
Captain's Name: Timothy Buckner
Incident Type: Interference
Disturbance: Level II
Flight Attendant 1: Leah Stevens
Flight Attendant 2: Rosalind Rojas
Flight Attendant 3: Adrienne Kate-Sanchez
Flight Attendant 4:
Seat Number: 9F
Sex: Female
Age:
Height:
Weight:
Eyes:
Hair:
Complexion:
Clothing:

Description Of Event: Talat Tahaira wanted to sit in the exit row and moved herself to 11D. Rosie kindly asked her to go back to her seat 9F. 9F Claimed that the woman in 9D was bothering her and needed to move, when asked if there was a problem the woman in 9C said "no". Rosie and I both explained to the woman she has to speak, read, and understand english to sit in the exit row. I showed her the safety information card and she said she did not understand it. Nor did she understand what I was telling her. She told us that she was very sick and had to lay down, we offered her 3 entire seat banks to lay down and she refused to sit there. She told me that she had paid for a business class seat, I explained to her that we don't offer business class seats. Her friend was seated in 16 A,B, and C. 9F took me to her friend because she spoke english. I explained everything to her friend, and she told me that 9F said, what if I'm dying right now, can I have a row to lay down. When the woman in 16 told me this I asked if she was okay and explained to her that is she was having a health issue we would deal with that. She claimed that she was just saying that. The woman from 9F was trying to get my attention while I was explaining to the woman in 16, so she popped me on the face, Rosie witnessed it. I asked her not to touch me like that again. The woman in 16 explained to me that they had just flown back from Pakistan and she wanted to sleep because she had been traveling for 30 hours. We as a crew tried to move her many times to an empty seat bank and she declined. We even showed her to the rows and she didn't want to go. The woman in 9F kept moving herself (and causing a disturbance) and moving herself numerous times to 11 D,E,F. The woman kept going back to her friend in 16. Later on the woman from 9F came to the back and said "why can't I lie down, it's because I am muslim." She said that everyone with a place to lie down is white (which they weren't) and it's because she is muslim and that's why we won't let her sit there. She grabbed my wrist (Adrienne witnessed this) and pulled me to show that everyone was laying down. I asked her not to pull on me and not to touch me. A bruise formed on my wrist where she grabbed me. She was offered and declined to lay down anywhere but the exit row. We even took the cushions off of the exit row so she wouldn't want to sit there anymore. We politely asked her to sit in her original seat, it seemed that we spent most of the flight dealing with the woman in 9F. She kept yelling that we were only doing this because she was muslim. We decided to have the GSC meet the flight and explain to her why she couldn't sit in the exit row.

Witness 1 Name: Laura Clampitt
Witness 1 Address:
Witness 1 City:
Witness 1 State:
Witness 1 Zip:

Port of Seattle PD – Statement Form

PO Box 68727
Seattle, WA 98168
(206) 431-3490

Page 2 of 2

Victim
Witness
Suspect

☒
☐
☐

Case No.

08-2723

Date _____ Time _____ Place _____

Name _____ DOB _____ Female ☐ Male ☐ Race _____

Address _____ City _____ State _____ ZIP _____

Home Phone _____ Work Phone _____ Cellular Phone _____

The undersigned freely and voluntarily provides the following statement:

I have read each page of this statement consisting of _____ page(s). Each page bears my signature, and all corrections, if any, bear my initials. I certify (or declare) under penalty of perjury under the laws of the State of Washington, that the entire statement is true and correct.

Signature

Date

11/8/08

Time

1157pm

Officer's Signature

Date

11-08-08

Time

Witness

Witness